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MILITARY MANNERS AND CUSTOMS

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BY

JAMES ANSON FARRER

AUTHOR OF "PRIMITIVE MANNERS AND CUSTOMS" ETC.

'*Homo homini res sacra*'—Seneca

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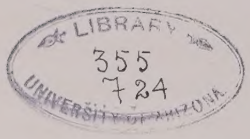

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PREFACE.

In the present volume I have attempted within the limits of the historical period and of our European civilization, and without recognizing any hard and fast line between ancient and modern, Christian and Pagan, to allude, in the places that seemed most appropriate, to all points in the history of war that appeared to be either of special interest or of essential importance. As examples of such points I may refer to the treatment of prisoners of war, or of surrendered garrisons; the rules about spies and surprises; the introduction of, and feeling about, new weapons; the meaning of parts of military dress; the origin of peculiar customs like the old one of kissing the earth before a charge; the prevalent rules of honor, as displayed in notions of justice in regard to reprisals, or of fairness in stratagems and deception. The necessity of observing in so vast a field the law of proportion has enforced resort to such condensation, that on subjects which deserve or possess their tomes upon tomes, I have in many cases been unable to spend more than a page or a chapter. It is easier, how-

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ever, to err on the side of length than of brevity, but on whichever side I have exceeded, I can only hope that others, who may feel the same interest with myself in the subject without having the same time to give to it, may derive a tithe of the pleasure from reading the following nine chapters that I have found in putting them together.

The study of course, is no new one, but there can be no objection to calling it by the new name of Bellology—a convenient term, quite capable of holding its own with sociology or its congeners. The only novelty I have aimed at is one of treatment, and consists in never losing sight of the fact that to all military customs there is a moral and human side which has been only too generally ignored in this connection. To read books like Grose's "Military Antiquities," one would think their writers were dealing with the manners, not of men but of ninepins, so utterly do they divest themselves of all human interest or moral feeling, in reference to the customs they describe with so laudable but toneless an accuracy.

The starting-point of modern bellological studies will, undoubtedly, always be the Parliamentary Blue Book, containing the reports (less full than one might wish) of the Military International Conference that met at Brussels in 1874, to discuss the existing laws and customs of war, and to consider whether any modification of them were either possible or desirable,

Most of the representatives appointed to attend by the several powers were military men, so that we are carried by their conversation into the actual realities of modern warfare, with an authority and sense of truth that one is conscious of in no other military book. It is to be regretted that such a work, instructive as it is beyond any other on the subject, has never been printed in a form more popular than its official dress. It was from it that I first conceived the idea of the following pages, and in the sequel frequent reference will be made to it, as the source of the most trustworthy military information we possess, and as certain to be for some time to come the standard work on all the actual laws and customs of contemporary warfare.

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MILITARY MANNERS AND CUSTOMS.

CHAPTER I.

THE LAWS OF WAR.

Ce sont des lois de la guerre. Il faut estre bien cruel bien souvent pour venir au bout de son ennemi; Dieu doit estre bien miséricordieux en nostre endroict, qui faisons tant de maux.—MARSHAL MONTLUC.

The prohibition of explosive bullets in war—The importance of the Declaration of St. Petersburg of 1868—The ultimate triumph of more destructive methods—Illustrated by history of the cross-bow or the musket; or of cannons, torpedoes, red-hot shot, or the bayonet—Numbers slain in modern and earlier warfare—The laws of war at the Brussels Conference of 1874—Do the laws of war tend to improve?—A negative answer suggested from reference: (1) to the use of poison in war; (2) to the bombardment of towns; (3) to the destruction of public buildings; (4) to the destruction of crops and fruit trees; (5) to the murder of prisoners or the wounded; (6) to the murder of surrendered garrisons; (7) to the destruction of fishing boats; (8) to the disuse of the declaration of war; (9) to the torture and mutilation of combatants and non-combatants; (10) to the custom of contributions—The futile attempt of Grotius and Vattel to humanize warfare—The rights of war in the time of Grotius—The futility of international law with regard to laws of war—The employment of barbarian troops—The taking of towns by assault—The laws of war contrasted with the practice—War easier to abolish than to humanize.

IT is impossible to head a chapter "The Laws of War" without thinking of that famous chapter on

Iceland headed "The Snakes of Iceland," wherein the writer simply informed his readers that there were none in the country. "The laws of war" make one think of the snakes of Iceland.

Nevertheless, a summary denial of their existence would deprive the history of the battle-field of one of its most interesting features; for there is surely nothing more surprising to an impartial observer of military manners and customs than to find that even in so just a cause as the defense of your own country limitations should be set to the right of injuring your aggressor in any manner you can.

What, for instance, can be more obvious in such a case than that no suffering you can inflict is needless which is most likely permanently to disable your adversary? Yet, by virtue of the International Declaration of St. Petersburg, in 1868, you may not use explosive bullets against him, because it is held that they would cause him needless suffering. By the logic of war, what can be clearer than that, if the explosive bullet deals worse wounds, and therefore inflicts death more readily than other destructive agencies, it should be used? or else that those too should be excluded from the rules of the game—which might end in putting a stop to the game altogether?

The history of the explosive bullet is worth recalling, for its prohibition is a straw to clutch at in these days of military revival. Like the plague, and perhaps gunpowder, it had an Eastern origin. It was used originally in India against elephants and tigers. In 1863 it was introduced into the Russian army, and

subsequently into other European armies, for use against ammunition-wagons. But it was not till 1867 that a slight modification in its construction rendered it available for the destruction of mankind. The world owes it to the humanity of the Russian Minister of War, General Milutine, that at this point a pause was made; and as the Czar, Alexander II., was no less humane than his minister, the result was the famous Declaration, signed in 1868 by all the chief Powers (save the United States), mutually foregoing in their future wars by land or sea the use of projectiles weighing less than 400 grammes (to save their use for artillery), either explosive or filled with inflammable substances. The Court of Berlin wished at the time for some other destructive contrivances to be equally excluded, but the English Government was afraid to go further; as if requiring breathing time after so immense an effort to diminish human suffering, before proceeding in so perilous a direction.

The Declaration of St. Petersburg, inasmuch as it is capable of indefinite expansion, is a somewhat awkward precedent for those who in their hearts love war and shield its continuance with apologetic platitudes. How, they ask, can you enforce agreements between nations? But this argument begins to totter when we remember that there is absolutely no superior power or tribunal in existence which can enforce the observance of the St. Petersburg Declaration beyond the conscience of the signatory Powers. It follows, therefore, that if international agreements are of value, there is no need to stop short at this or that bullet;

which makes the arbitration-tribunal loom in the distance perceptibly nearer than it did before.

At first sight, this agreement excluding the use of explosive bullets would seem to favor the theory of those who see in every increase in the peril of war the best hope of its ultimate cessation. A famous American statesman is reported to have said, and actually to have appealed to the invention of gunpowder in support of his statement, that every discovery in the art of war has, from this point of view, a life-saving and peace-promoting influence.[1] But it is difficult to conceive a greater delusion. The whole history of war is against it; for what has that history been but the steady increase of the pains and perils of war, as more effective weapons of destruction have succeeded one another? The delusion cannot be better dispelled than by consideration of the facts that follow.

It has often seemed as if humanity were about to get the better of the logical tendency of the military art. The Lateran Council of 1139 (a sort of European congress in its day) not only condemned Arnold of Brescia to be burned for heresy, but anathematized the cross-bow for its inhumanity. It forbade its use in Christian warfare as alike hateful to God and destructive of mankind.[2] Several brave princes disdained to employ cross-bow shooters, and Innocent III. con-

[1] Halleck's *International Law*, ii. 21. Yet within three weeks of the beginning of the war with France 60,000 Prussians were *hors de combat*.

[2] "Artem illam *mortiferam et Deo odibilem* balistrariorum et sagittariorum adversus Christianos et Catholicos exerceri de cætero sub anathemate prohibemus,"

firmed the prohibition on the ground that it was not fair to inflict on an enemy more than the least possibly injury.[1] The long-bow consequently came into greater use. But Richard I., in spite of Popes or Councils or Chivalry, revived the use of the cross-bow in Europe; nor, though his death by one himself was regarded as a judgment from Heaven, did its use from that time decline till the arquebus and then the musket took its place.

Cannons and bombs were at first called diabolical, because they suggested the malice of the enemy of mankind, or serpentines, because they seemed worse than the poison of serpents.[2] But even cannons were at first only used against fortified walls, and there is a tradition of the first occasion when they were directed against men.[3] And torpedoes, now used without scruple, were called infamous and infernal when, under the name of American Turtles, they were first tried by the American Colonies against the ships of their mother country.

In the sixteenth century, that knight "without fear or reproach," the Chevalier Bayard, ordered all musketeers who fell into his hands to be slain without mercy, because he held the introduction of fire-arms to be an unfair innovation on the rules of lawful war. So red-hot shot (or balls made red hot before insertion in the cannon) were at first objected to, or only considered fair for purposes of defense, not of attack.

[1] Fauchet's *Origines des Chevaliers*, etc., etc., ii. 56; Grose's *Military Antiquities*, i. 142; and Demmin's *Encyclopédie d'Armurerie*, 57, 496.

[2] Fauchet, ii. 57. "Lequel engin, pour le mal qu'il faisait (pire que le venin des serpens), fut nommé serpentine," etc.

[3] Grose, ii. 331.

Yet, what do we find?—that Louis XIV. fired some 12,000 of them into Brussels in 1694; that the Austrians fired them into Lille in 1792; and that the English batteries fired them at the ships in Sebastopol harbor, which formed part of the Russian defenses. Chain-shot and bar-shot were also disapproved of at first, or excluded from use by conventions applying only to particular wars; now there exists no agreement precluding their use, for they soon became common in battles at sea.

The invention of the bayonet supplies another illustration. The accounts of its origin are little better than legends: that it was invented so long ago as 1323 by a woman of Bayonne in defense of the ramparts of that city against the English; or by Puséygur, of Bayonne, about 1650; or borrowed by the Dutch from the natives of Madagascar; or connected with a place called the Redoute de la Baïonnette in the Eastern Pyrenees, where the Basques, having exhausted their ammunition against the Spaniards, are said to have inserted their knives into the muzzles of their guns. But it is certain that as soon as the idea was perfected by fixing the blade by rings outside the muzzle (in the latter quarter of the seventeenth century), battles became more murderous than ever, though the destruction of infantry by cavalry was diminished. The battle of Neerwinden in 1693, in which the French general, Luxembourg, defeated the Prince of Orange, is said to have been the first battle that was decided by a charge with a bayonet, and the losses were enormous on both sides.[1]

[1] Dyer, *Modern Europe*, iii. 158.

History, in fact, is full of such cases, in which the victory has uniformly lain ultimately with the legitimacy of the weapon or method that was at first rejected as inhumane. For the moment, the laws of nations forbids the use of certain methods of destruction, such as bullets filled with glass or nails, or chemical compounds like kakodyl, which could convert in a moment the atmosphere round an army into one of deadly poison;[1] yet we have nothing like certainty—we have not even historical probability—that these forbidden means, or worse means, will not be resorted to in the wars of the future, or that reluctance to meet such forms of death will in the least degree affect either their frequency or their duration.

It is easy to explain this law of history. The soldier's courage, as he faces the mitrailleuse with the same indifference with which he would face snow-balls or bread-pellets, is a miracle of which discipline is the simple explanation; for whether the soldier be hired or coerced to face death, it is all one to him against what kind of bullet he rushes, so long as discipline remains—as Helvetius the French philosopher once defined it, the art of making soldiers more afraid of their own officers than of their enemy.[2] To Clearchus, the Lacedæmonian, is attributed the saying that a soldier should always fear his own general more than the enemy: a mental state easily produced in every system of military mechanism. Whatever form of death be in front of a man, it is less certain

[1] Scoffern's *Projectile Weapons*, etc., 66.

[2] *Sur l' Esprit*, i. 562.

than that in his rear. The Ashantees as they march to battle sing a song which is the soldier's philosophy all the world over: "If I go on, I shall die; if I stay behind I shall be killed; it is better to go on." [1]

How often is it said, in extenuation of modern warfare, that it is infinitely less destructive than that of ancient or even medieval times; and that the actual loss of life in battle has not kept pace with the development of new and more effective life-taking implements! Yet it is difficult to imagine a stranger paradox, or a proposition that, if true, would reflect greater discredit on our mechanical science. If our Gatling guns, or Nordenfeldt 5-barrels capable of firing 600 rounds a minute, are less effective to destroy an enemy than all the paraphernalia of a medieval army, why not in that case return to weapons that by the hypothesis better fulfilled the purpose of war? This question is a *reductio ad absurdum* of this soothing delusion; but as a matter of fact, there is no comparison in destructiveness between our modern warfare and that of our ancestors. The apparent difference in our favor arises from a practice alluded to by Philip de Commines, which throws a flood of light upon the subject: "There were slain in this battle about 6,000 men, which, to people that are unwilling to lie, may seem very much; but in my time I have been in several actions, where for one man that was really slain they have reported a hundred, thinking by such an account to please their masters; and they sometimes deceive

[1] Reade, *Ashantee Campaign*, 52.

them with their lies." That is to say, as a rule the number of the slain should be divided by a hundred.

This remark applies even to battles like Crecy or Agincourt, where the numbers slain were unusually high, and where they are said to have been accurately ascertained by counting after the victory. When Froissart on such authority quotes 1,291 as the total number of warriors of knightly or higher rank slain at Crecy, it is possible of course that he is not the victim of deception; but what of the 30,000 common soldiers for whose death he also vouches? A monk of St. Albans, also a contemporary, speaks only of an unknown number (*et vulgus cujus numerus ignoratur*); which in the account of the Abbot Hugo was put definitely at more than 100,000. It is evident from this that the greatest laxity prevailed in reference to chronicling the numbers of the slain; so that if we take 3,000 instead of 30,000 as the sum total of common soldiers slain at Crecy, it is probable that we shall be nearer the truth than if we implicitly accept Froissart's statement.

The same skepticism will of course hold good of the battles of the ancient world. Is it likely, for instance, that in a battle in which the Romans are said only to have lost 100 men, the Macedonians should have lost 20,000?[1] Or again, is it possible, considering the difficulty of the commissariat of a large army, even in our own days of trains and telegraphs and improved agriculture, that Marius in one battle can have slain 200,000 Teutons, and taken

[1] Livy, xliv. 42.

90,000 prisoners? But whilst no conclusion is possible but that the figures of the older histories are altogether too untrustworthy to afford any basis for comparison, the calculation rests on something more like fair evidence, that in the fortnight between August 4, 1870, the date of the battle of Wissembourg, and August 18, that of Gravelotte, including the battles of Woerth and Forbach on August 6, of Courcelles on the 14th, and of Vionville on the 16th, more than 100,000 French and Germans met their death on the battle-field, to say nothing of those who perished afterward in agonies in the hospitals. Recent wars have been undoubtedly shorter than they often were in olden times, but their brevity is founded on no reason that can insure its recurrence; nor, if 100,000 are to be miserably cast out of existence, is the gain so very great, if the task, instead of being spread over a number of years, requires only a fortnight for its accomplishment.

For the nearest approach to a statement of what the laws of war in our own time really are, we must turn to the Brussels Conference, which met in 1874 at the summons of the same great Russian to whom the world owes the St. Petersburg Declaration, and which constituted a genuine attempt to mitigate the evils of war by an international agreement and definition of their limits. The idea of such a plan was originally suggested by the Instructions published in 1863 by President Lincoln for the government of the armies of the United States in the civil war.[1] The project for

[1] These Instructions are published in Halleck's *International Law*, ii. 36–51; and at the end of Edwards's *Germans in France*.

such an international agreement, originally submitted by the Russian Government for discussion, was very much modified before even a compromise of opinion could be arrived at on the several points it contained. And the project so modified, as a preliminary basis for future agreement, owing to the timid refusal of the English Government to take further part in the matter, never, unfortunately, reached its final stage of a definite code ;[1] but it remains nevertheless the most authoritative utterance extant of the laws generally thought to be binding in modern warfare on the practices and passions of the combatants. The following articles from the project as finally modified are undoubtedly the most important :—

Art. 12. The laws of war do not allow to belligerents an unlimited power as to the choice of means of injuring the enemy.

Art. 13. According to this principle are strictly forbidden—

a. The use of poison or poisoned weapons.

b. Murder by treachery of individuals belonging to the hostile nation or army.

c. Murder of an antagonist who, having laid down his arms, or having no longer the means of defending himself, has surrendered at discretion.

d. The declaration that no quarter will be given.

e. The use of arms, projectiles, or substances

[1] "It would have been desirable," said the Russian Government, "that the voice of a great nation like England should have been heard in an inquiry of which the object would appear to have met with its sympathies."

which may cause unnecessary suffering, as well as of those prohibited by the Declaration of St. Petersburg in 1868.

f. Abuse of the flag of truce, the national flag, or the military insignia or uniform of the enemy, as well as the distinctive badges of the Geneva Convention.

g. All destruction or seizure of the enemy's property which is not imperatively required by the necessity of war.

Art. 15. Fortified places are alone liable to be besieged. Towns, agglomerations of houses or villages which are open or undefended, can not be attacked or bombarded.

Art. 17. . . . All necessary steps should be taken to spare as far as possible buildings devoted to religion, arts, sciences, and charity, hospitals and places where sick and wounded are collected, on condition that they are not used at the same time for military purposes.

Art. 18. A town taken by storm shall not be given up to the victorious troops for plunder.

Art. 23. Prisoners of war . . . should be treated with humanity. . . . . All their personal effects except their arms are to be considered their own property.

Art. 36, 37. The population of an occupied territory can not be compelled to take part in military operations against their own country, nor to swear allegiance to the enemy's power.

Art. 38. The honor and rights of the family, the life and property of individuals, as well as their religious convictions and the exercise of their religion, should be respected.

Private property can not be confiscated.

Art. 39. Pillage is expressly forbidden.

There is at first sight a pleasing ring of humanity in all this, though, as yet, it only represents the better military spirit, which is always far in advance of actual military practice. In the monotonous history of war there are always commanders who wage it with less ferocity than others, and writers who plead for the mitigation of its cruelties. As in modern history a Marlborough, a Wellington, or a Villars forms a pleasant contrast to a Feuquières, a Belleisle, or a Blücher, so in ancient history a Marcellus or a Lucullus helps us to forget a Marius or an Alexander; and the sentiments of a Cicero or Tacitus were as far in advance of their time as those of a Grotius or Vattel were of theirs. According to the accident of the existence of such men, the laws of war fluctuate from age to age; but, the question arises, Do they become perceptibly milder? do they ever permanently improve?

It will be said that they do, because it will be said that they have; and that the annals of modern wars present nothing to resemble the atrocities that may be collected from ancient or medieval history. Yet such statements carry no conviction. Deterioration seems as likely as improvement; and unless the custom is checked altogether, the wars of the twentieth century may be expected to exceed in barbarity any thing of which we have any conception. A very brief inquiry will suffice to dispel the common assurances of improvement and progress.

Poison is forbidden in war, says the Berlin Conference; but so it always was, even in the Institutes of

Menu, and with perhaps less difference of opinion in ancient than in modern times. Grotius and Vattel and most of their followers disallow it, but two publicists of grave authority defend it, Bynkershoeck and Wolff. The latter published his "Jus Gentium" as late as 1749, and his argument is worth translating, since it can only be met by arguments which equally apply to other modes of military slaughter. "Naturally it is lawful to kill an enemy by poison; for as long as he is our enemy, he resists the reparation of our right, so that we may exercise against his person whatever suffices to avert his power from ourselves or our possessions. Therefore it is not unfair to get rid of him. But, since it comes to the same thing whether you get rid of him by the sword or by poison (which is self-evident, because in either case you get rid of him, and he can no longer resist or injure you), it is naturally lawful to kill an enemy by poison." And so, he argues with equal force, of poisoned weapons.[1] That poison is not in use in our day we do not therefore owe to our international lawyers, but to the accident of tradition. In Roman history the theory appears to have been unanimous against it. "Such conduct," says the Roman writer Florus of a general who poisoned some springs in order to bring some cities in Asia to a speedier surrender, "although it hastened his victory, rendered it infamous, since it was done not only against divine law, but against ancestral customs."[2] Our statesman Fox refused indignantly to avail himself of an offer to poison Napoleon, but so did the Roman consuls refuse a similar proposal with regard to Pyrrhus; and Tiberius

[1] *Jus Gentium*, art. 887, 878. [2] Florus, ii. 20.

and the Roman senate replied to a plan for poisoning Arminius, that the Roman people punished their enemies not by fraud, or in secret, but openly and in arms.

The history of bombarding towns affords an instance of something like actual deterioration in the usages of modern warfare. Regular and simple bombardment, that is, of a town indiscriminately and not merely its fortresses, has now become the established practice. Yet, what did Vattel say in the middle of the last century? "At present we generally content ourselves with battering the ramparts and defenses of a place. To destroy a town with bombs and red-hot balls is an extremity to which we do not proceed without cogent reasons." What said Vauban still earlier? "The fire must be directed simply at the defenses and batteries of a place . . . . and not against the houses." Then what of the English bombardment of Copenhagen in 1807, when the cathedral and some 300 houses were destroyed; what of the German bombardment of Strasburg in 1870, where rifled mortars were used for the first time,[1] and the famous library and picture gallery destroyed; and what lastly of the German bombardment of Paris, about which, strangely enough, even the military conscience of the Germans was struck, so that in the highest circles doubts about the propriety of such a proceeding at one time prevailed from a moral no less than from a military point of view?[2]

[1] Edwards's *Germans in France*, 164.

[2] This remarkable fact is certified by Mr. Russell, in his *Diary in the last Great War*, 398, 399.

With respect again to sacred or public buildings, warfare tends to become increasingly destructive. It was the rule in Greek warfare to spare sacred buildings, and the Romans frequently spared sacred and other buildings, as Marcellus, for instance, at Syracuse.[1] Yet when the French ravaged the Palatinate in 1689 they not only set fire to the cathedrals, but sacked the tombs of the ancient Emperors at Spiers. Frederick II. destroyed some of the finest buildings at Dresden and Prague. In 1814 the English forces destroyed the Capitol at Washington, the President's house, and other public buildings;[2] and in 1815 the Prussian general, Blücher, was with difficulty restrained from blowing up the Bridge of Jena at Paris and the Pillar of Austerlitz. Military men have always the excuse of reprisals or accident for these acts of vandalism. Yet Vattel had said (in language which but repeated the language of Polybius and Cicero): "We ought to spare those edifices which do honor to human society, and do not contribute to the enemy's strength, such as temples, tombs, public buildings, and all works of remarkable beauty."

Of as little avail has been the same writer's observation that those who tear up vines and cut down fruit-trees are to be looked upon as savage. The Fijian islanders were barbarians enough, but even they used as a rule to spare the enemy's fruit trees; so did the ancient Indians; and the Koran forbids the wanton destruction of fruit trees, palm trees, corn and cattle.

[1] Cicero, *In Verrem*, vi. 54.

[2] See even the *Annual Register*, lvi. 184, for a denunciation of this proceeding.

Then what shall we think of the armies of Louis XIV. in the Palatinate not only burning castles, country-houses, and villages, but ruthlessly destroying crops, vines, and fruit trees?[1] or of the Prussian warrior, Blücher, destroying the ornamental trees at Paris in 1815?

It is said that the Germans refused to let the women and children leave Strasburg before they began to bombard it in 1870.[2] Yet Vattel himself tells us how Titus, at the siege of Jerusalem, suffered the women and children to depart, and how Henri IV., besieging Paris, had the humanity to let them pass through his lines.

It was in a campaign of this century, 1815, that General Roquet collected the French officers, and bade them tell the grenadiers that the first man who should bring him in a Prussian prisoner should be shot; and it was in reprisals for this that a few days later the Prussians killed the French wounded at Genappe.[3]

Grotius, after quoting the fact that a decree of the Amphictyons forbade the destruction of any Greek city in war, asserts the existence of a stronger bond between the nations of Christendom than between the states of ancient Greece. And then we remember how the Prussians bombarded the Danish town of Sönderborg, and almost utterly destroyed it, though it lay beyond the possibility of their possession; and we think of Peronne in France reduced to ruins, with the greater part of its fine cathedral, in 1870; and of

[1] Sismondi's *Hist. des Français*, xxv.

[2] Edwards's *Germans in France*, 171.

[3] Lieut-Col. Charras, *La Campagne de* 1815, i. 211, ii. 88.

the German shells directed against the French fire-engines that endeavored to save the Strasburg Library from the flames that consumed it; and we wonder that so great a jurist could have been capable of so grievous a delusion.

To murder a garrison that had made an obstinate defense, or in order to terrorize others from doing the same, was a right of modern war disputed by Grotius, but admitted by Vattel not to be totally exploded a century later. Yet they both quote cases which prove that to murder enemies who had made a gallant defense was regarded in ancient times as a violation of the laws of war.

To murder enemies who had surrendered was as contrary to Greek or Roman as it ever was to Christian warfare. The general Greek and Roman practice was to allow quarter to an enemy who surrendered, and to redeem or exchange their prisoners.[1] There was indeed, by the laws of war, a right to slay or enslave them, and though both rights were sometimes exercised with great barbarity, the extent to which the former right was exercised has been very much exaggerated. Otherwise, why should Diodorus Siculus, in the century preceding our era, have spoken of mercy to prisoners as the common law (*τὰ κοινὰ νόμιμα*), and of the violation of such law as an act of exceptional barbarity?[2] It may be fairly doubted whether the French prisoners in the English hulks during the war with Napoleon suffered less than the Athenian prisoners in the mines of Syracuse; and as to quarter, what of the French volunteers or Franc-

[1] Woolsey's *International Law*, p. 223.

[2] Cf. lib. xii. 81, and xiii, 25, 26; quoted by Grotius, iii. xi. xiii.

tireurs who in 1870 fell into the hands of the Germans, or of the French peasants, who, though levied and armed by the local authorities under the proclamation of Napoleon, were, if taken, put to death by the Allies in 1814?

Some other illustrations tend further to show that there is no real progress in war, and that many of the fancied mitigations of it are merely accidental and ephemeral features.

The French and English in olden time used to spare one another's fishing boats and their crews. "Fishermen," said Froissart, "though there may be war between France and England, never injure one another; they remain friends, and assist each other in case of need, and buy and sell their fish whenever one has a larger quantity than the other, for if they were to fight we should have no fresh fish."[1] Yet in the Crimean war the English fleets in the Baltic seized or burned the fishing boats of the Finns, and destroyed the cargoes of fish on which, having been salted in the summer months, they were dependent for their subsistence during the winter.[2]

Polybius informs us that the Œtolians were regarded as the common outlaws of Greece, because they did not scruple to make war without declaring it. Invasions of that sort were regarded as robberies, not as lawful wars. Yet declarations of war may now be dispensed with, the first precedent for doing so having been set by Gustavus Adolphus.

[1] iii. 41.

[2] *Cambridge Essays*, 1855, "Limitations to Severity in War," by C. Buxton.

Gustavus Adolphus, in 1627, issued some humane Articles of War, which forbade, among other things, injuries to old men, women, and children. Yet within a few years the Swedish soldiery, like other troops of their time, made the gratuitous torture and mutilation of combatants or non-combatants a common episode of their military proceedings.[1]

When Henry V. of England invaded France, early in the fifteenth century, he forbade in his General Orders the wanton injury of property, insults to women, or gratuitous bloodshed. Yet four centuries later the character of war had so little changed that we find the Duke of Wellington, when invading the same country, lamenting in a General Order that, "according to all the information which the Commander of the Forces had received, outrages of all descriptions" had been committed by his troops, "in presence even of their officers, who took no pains whatever to prevent them."[2]

The French complain that their last war with Germany was not war, but robbery; as if pillage and war had ever been distinct in fact or were distinguishable in thought. There appears to have been very little limit to the robbery that was committed under the name of contributions; yet Vattel tells us that, though in his time the practice had died out, the belligerent sovereigns, in the wars of Louis XIV., used to regulate by treaty the extent of hostile territory in which each

[1] See Raumer's *Geschichte Europa's*, iii. 509–603, if any doubt is felt about the fact.

[2] General Order of October 9, 1813. Compare those of May 29, 1809, March 25, 1810, June 10, 1812, and July 9, 1813.

might levy contributions, together with the amount which might be levied, and the manner in which the levying parties were to conduct themselves.[1]

Is it not proved then by the above facts that the laws of war rather fluctuate from age to age within somewhat narrow limits than permanently improve, and that they are apt to lose in one direction whatever they gain in another? Humanity in warfare now, as in antiquity, remains the exception, not the rule; and may be found now, as at all times, in books or in the finer imaginations of a few, far more often than in the real life of the battle-field. The plea of shortening the horrors of war is always the plea for carrying them to an extreme; as by Louvois for devastating the Palatinate, or by Suchet, the French general, for driving the helpless women and children into the citadel of Lerida, and for then shelling them all night with the humane object of bringing the governor to a speedier surrender.[2]

Writers on the Law of Nations have in fact led us into a Fool's Paradise about war (which has done more than any thing else to keep the custom in existence) by representing it as something quite mild and almost refined in modern times. Vattel, the Swiss jurist, set the example. He published his work on the rights of nations two years after the Seven Years' War had begun, and he speaks of the European nations in his time as waging their wars "with great moderation

[1] Vattel, iii. ix. 165.

[2] Sir W. Napier (*Peninsular War*, ii. 322) says of the proceeding that it was "politic indeed, yet scarcely to be admitted within the pale of civilized warfare." It occurred in May, 1810.

and generosity," the very year before Marshal Belleisle gave orders to make Westphalia a desert. Vattel too it was who first appealed to the amenities that occasionally interrupt hostilities in support of his theory of the generosity of modern warfare.

But what after all does it come to, if rival generals address each other in terms of civility or interchange acceptable gifts? At Sebastopol, the English Sir Edmond Lyons sent the Russian Admiral Machinoff the present of a fat buck, the latter acknowledging the compliment with the return of a hard Dutch cheese. At Gibraltar, when the men of Elliot's garrison were suffering severely from scurvy, Crillon sent them a cartload of carrots. These things have always occurred even in the fiercest times of military barbarism. At the siege of Orleans (1429) the Earl of Suffolk sent the French commander Dunois a present of dessert, consisting of figs, dates and raisins; and Dunois in return sent Suffolk some fur for his cloak; yet there was little limit in those days to the ferocity shown in war by the French and English to one another. A ransom was extorted even for the bodies of the slain. The occasional gleams of humanity in the history of war count for nothing in the general picture of its savagery.

The jurists in this way have helped to give a totally false color to the real nature of war; and scarcely a day passes in a modern campaign that does not give the lie to the rules laid down in the ponderous tomes of the international law-writers. It is said that Gustavus Adolphus always had with him in camp a copy of "Grotius," as Alexander is said to have slept over Homer. The improbability of finding a copy of

"Grotius" in a modern camp may be taken as an illustration of the neglect that has long since fallen on the restraints with which our publicists have sought to fetter our generals, and of the futility of all such endeavors.

All honor to Grotius for having sought to make warfare a few degrees less atrocious than he found it; but let us not therefore deceive ourselves into an extravagant belief in the efficacy of his labors. Kant, who lived later, and had the same problem to face, cherished no such delusion as to the possibility of humanizing warfare, but went straight to the point of trying to stop it altogether; and Kant was in every point the better reasoner. Either would doubtless have regarded the other's reasoning on the subject as Utopian; but which with the better reason?

Grotius took the course of first stating what the extreme rights of war were, as proved by precedent and usage, and of then pleading for their mitigation on the ground of religion and humanity. In either case he appealed to precedent, and only set the better against the worse; leaving thereby the rights of war in utter confusion, and quite devoid of any principle of measurement.

Let us take as an illustration of his method the question of the slaughter of women and children. This he began with admitting to be a strict right of war. Profane history supplied him with several instances of such massacres, and so more especially did Biblical history. He refrained, he expressly tells us, from adducing the slaying of the women and children of Heshbon by the Hebrews, or the command given

to them to deal in the same way with the people of Canaan, for these were the works of God, whose rights over mankind were far greater than those of man over beasts. He preferred, as coming nearer to the practice of his own time, the testimony of that verse in the Psalms which says, "Blessed shall he be who shall dash thy children against a stone." Subsequently he withdrew this right of war, by reference to the better precedents of ancient times. It does not appear to have occurred to him that the precedents of history, if we go to them for our rules of war, will prove any thing, according to the character of the actions we select. Camillus (in Livy) speaks of childhood as inviolable even in stormed cities; the Emperor Severus, on the other hand, ordered his soldiers to put all persons in Britain to the sword indiscriminately, and in his turn appealed to precedent, the order, namely, of Agamemnon, that of the Trojans not even children in their mother's womb should be spared from destruction. The children of Israel were forbidden in their wars to cut down fruit trees; yet when they warred against the Moabites, "they stopped all the wells of water and felled all the good trees." It was only possible in this way to distinguish the better custom from the worse, not the right from the wrong; either being equally justifiable on a mere appeal to historical instances.

The rules of war which prevailed in the time of Grotius—the early time of the Thirty Years' War—may be briefly summarized from his work as follows: The rights of war extended to *all* persons within the hostile boundaries, the declaration of war being

essentially directed against every individual of a belligerent nation. Any person of a hostile nation, therefore, might be slain wherever found, provided it were not on neutral territory. Women and children might be lawfully slain (as it will be shown that they were also liable to be in the best days of chivalry); and so might prisoners of war, suppliants for their lives, or those who surrendered unconditionally. It was lawful to assassinate an enemy, provided it involved no violation of a tacit or express agreement; but it was unlawful to use poison in any form, though fountains, if not poisoned, might be made undrinkable. Anything belonging to an enemy might be destroyed: his crops, his houses, his flocks, his trees, even his sacred edifices, or his places of burial.

That these extreme rights of war were literally enforced in the seventeenth century admits of no doubt; nor if any of them have at all been mitigated, can we attribute it so much to the humane attempt of Grotius and his followers to set restriction on the rightful exercise of predominant force, as to the accidental influence of individual commanders. It has been well remarked that the right of non-combatants to be unmolested in war was recognized by generals before it was ever proclaimed by the publicists.[1] And the same truth applies to many other changes in warfare, which have been oftener the result of a temporary military fashion, or of new ideas of military expediency, than of obedience to Grotius or Vattel. They set themselves to as futile a task as the proverbial impossibility of whitening the negro; with this result

[1] Bluntschli's *Modernes Völkerrecht*, art. 573.

—that the destructiveness of war, its crimes, and its cruelties, are something new even to a world that can not lose the recollection of the sack of Magdeburg in 1631, or the devastation of the Palatinate in 1689.[1]

The publicists have but recognized and reflected the floating sentiments of their time, without giving us any definite principle by which to separate the permissible from the non-permissible practice in war. We have seen how much they are at issue on the use of poison. They are equally at issue as to the right of employing assassination; as to the extent of the legitimate use of fraud; as to the right of beginning a war without declaration; as to the limits of the invader's rights of robbery; as to the right of the invaded to rise against his invader; or as to whether individuals so rising are to be treated as prisoners of war or hanged as assassins. Let us consider what they have done for us with regard to the right of using savages for allies, or with regard to the rights of the conqueror over the town he has taken by assault.

The right to use barbarian troops on the Christian battle-field is unanimously denied by all the modern text-writers. Lord Chatham's indignation against England's employment of them against her revolted colonies in America availed as little. Towards the end of the Crimean war Russia prepared to arm some savage races within her empire, and brought Circassians into Hungary in 1848.[2] France employed African

[1] For the character of modern war see the account of the Franco-German war in the *Quarterly Review* for April, 1871.

[2] Halleck, ii, 22.

Turcos both against Austria in 1859 and against Prussia in 1870; and it is within the recollection of the youngest what came of the employment by Turkey of Bashi-Bazouks. Are they likely not to be used in future because Bluntschli, Heffter, or Wheaton prohibits them?

To take a town by assault is the worst danger a soldier can have to face. The theory therefore had a show of reason, that without the reward of unlimited license he could never be brought to the breach. Tilly is said to have replied, when he was entreated by some of his officers to check the rapine and bloodshed that has immortalized the sack of Magdeburg in 1631: "Three hours' plundering is the shortest rule of war. The soldier must have something for his toil and trouble."[1] It is on such occasions, therefore, that war shows itself in its true character, and that M. Girardin's remark, "*La guerre c' est l' assassinat, la guerre c' est le vol*," reads like a revelation. The scene never varies from age to age; and the storming of Badajoz and San Sebastian by the English forces in the Peninsular War, or of Constantine in Algeria by the French in 1837, teaches us what we may expect to see in Europe when next a town is taken by assault, as Strasburg might have been in 1870. "No age, no nation," says Sir W. Napier, "ever sent forth braver troops to battle than those who stormed Badajoz"

[1] Vehse's *Austria*, i. 369. Yet, as usual on such occasions, the excesses were committed in the teeth of Tilly's effort to oppose them.

"Imperavit Tillius a devictorum cædibus et corporum castimonia abstinerent, quod imperium a quibusdam furentibus male servatum annales aliqui fuere conquesti."—Adlzreiter's *Annales Boicæ Gentis*, Part iii. l. 16, c. 38.

(April, 1812.) Yet for two days and nights there reigned in its streets, says the same writer, "shameless rapacity, brutal intemperance, savage lust, cruelty and murder."[1] And what says he of San Sebastian not a year and a half later? A thunderstorm that broke out "seemed to be a signal from hell for the perpetration of villainy which would have shamed the most ferocious barbarians of antiquity." . . . "The direst, the most revolting cruelty was added to the catalogue of crime: one atrocity . . . . staggers the mind by its enormous, incredible, indescribable barbarity."[2] If officers lost their lives in trying to prevent such deeds—whose very atrocity, as some one has said, preserves them from our full execration, because it makes it impossible to describe them—is it likely that the gallant soldiers who crowned their bravery with such devilry would have been one whit restrained by the consideration that in refusing quarter, or in murdering, torturing, or mutilating non-combatants, they were acting contrary to the rules of modern warfare?

If, then, we temper theory with practice, and desert our books for the facts of the battle-field (so far as they are ever told in full), we may perhaps lay down the following as the most important laws of modern warfare:

1. You may not use explosive bullets: but you may use conical-shaped ones, which inflict far more mutilation than round ones, and even explosive bullets if they do not fall below a certain magnitude.

2. You may not poison your enemy, because you

[1] *Battles in the Peninsular War*, 181, 182. [2] *Ibid.* 396.

thus take from him the chance of self-defense: but you may blow him up with a fougass or dynamite, from which he is equally incapable of defending himself.

3. You may not poison your enemy's drinking-water; but you may infect it with dead bodies or otherwise, because that is only equivalent to turning the stream.

4. You may not kill helpless old men, women or children with the sword or bayonet; but as much as you please with your Congreve rockets, howitzers, or mortars.

5. You may not make war on the peaceable occupants of a country; but you may burn their houses if they resist your claims to rob them of their uttermost farthing.

6. You may not refuse quarter to an enemy; but you may if he be not equipped in a particular outfit.

7. You may not kill your prisoners of war; but you may order your soldiers not to take any.

8. You may not ask a ransom for your prisoners; but you may more than cover their cost in the lump sum you exact for the expenses of the war.

9. You may not purposely destroy churches, hospitals, museums, or libraries; but "military exigencies" will cover your doing so, as they will almost any thing else you choose to do in breach of any other restrictions on your conduct.

And it is into these absurdities that the reasonings of Grotius and his followers have led us. The real dreamers, it appears, have been, not those who,

like Henri IV., Sully, St. Pierre, or Kant, have dreamed of a world without wars, but those who have dreamed of wars waged without lawlessness, passion, or crime. On them be thrown back the taunts of Utopianism which they have showered so long on the only view of the matter which is really logical and consistent. On them, at least, rests the shadow, and must rest the reproach of an egregious failure, unless recent wars are of no account and teach no lesson. And if their failure be real and signal, what remains for those who wish for better things, and for some check on deeds that threaten our civilization, but to turn their backs on the instructors they once trusted; to light their fires rather than to load their shelves with Grotius, Vattel, and the rest; and to throw in their lot for the future with the opinion, hitherto despised, though it was Kant's, and the endeavor hitherto discredited, though it was Henry the Great's, Sully's, and Elizabeth's—the opinion, that is, that it were easier to abolish war than to humanize it, and that only in the growth of a spirit of international confidence lies any possible hope of its ultimate extinction?

CHAPTER II.

WARFARE IN CHIVALROUS TIMES.

Voi m' avete fatto tornare quest' arte del soldo quasi che nulla, ed io ne l' aveva presupposta la più eccellente e la più onorevole che si facesse. —MACHIAVELLI, *Dell' Arte della Guerra.*

Delusion about character of war in days of chivalry—The common slaughter of women and children—The Earl of Derby's sack of Poitiers—The massacres of Grammont and Gravelines—The old poem of the Vow of the Heron—The massacre of Limoges by Edward the Black Prince—The imprisonment of ladies for ransom—Prisoners of war starved to death; or massacred, if no prospect of ransom; or blinded or otherwise mutilated—The meaning of a surrender at discretion, as illustrated by Edward III. at Calais; and by several instances in the same and the next century—The practice of burning in aid of war; and of destroying sacred buildings—The practice of poisoning the air—The use of barbarous weapons—The influence of religion on war—The Church in vain on the side of peace—Curious vows of the knights—The slight personal danger incurred in war by them—The explanation of their magnificent costume—Field-sports in war-time—The desire of gain the chief motive for war—The identity of soldiers and brigands—The career and character of the Black Prince—The place of money in the history of chivalry—Its influence as a war-motive between England and France—General low character of chivalrous warfare.

FOR an impartial estimate of the custom of war, the best preparation is a study of its leading features in the days of chivalry. Not only are most of our modern military usages directly descended from that period, though many claim a far remoter ancestry, and

go back to the days of primitive savagery, but it is the tradition of chivalry that chiefly keeps alive the delusion that it is possible for warfare to be conducted with humanity, generosity and courtesy.

Hallam, for instance, observes that in the wars of our Edward III., "the spirit of honorable as well as courteous behavior toward the foe seems to have arrived at its highest point;" and he refers especially to the custom of ransoming a prisoner on his parole, and to the generous treatment by the Black Prince of the French king taken captive at Poitiers.

In order to demonstrate the extreme exaggeration of this view, and to show that with war, as with the greater crimes, moral greatness is only connected accidentally, occasionally, or in romance, it is necessary to examine somewhat closely the warfare of the fourteenth century. Chivalry, according to certain historians, was during that century in process of decline; but the decline, if any, was rather in the nature of its forms and ceremonies than of its spirit or essence. It was the century of the most illustrious names in chivalry, in France of Bertrand du Guesclin, in England of the Black Prince, Sir Walter Manny, Sir John Chandos. It was the century of the battles of Crecy, Poitiers, Avray, and Navarette. It was the century of the Order of the Star in France, of the Garter and the Bath in England. Above all, it was the century of Froissart, who painted its manners and thoughts with a vividness so surpassing that to read his pages is almost to live in his time. So that the fourteenth century may fairly be taken as the period in which chivalry reached its highest perfection, and

in which the military type of life and character attained its noblest development. It is the century of which we instinctively think when we would imagine a time when the rivalry of brave deeds gave birth to heroism, and the rivalry of military generosity invested even the cruelties of the battle-field with the halo of romance.

Imagination, however, plays us false here as elsewhere. Froissart himself, who described wars and battles and noble feats of arms with a candor equal to his honest delight in them, is alone proof enough that there seldom was a period when war was more ferociously conducted; when the laws in restraint of it, imposed by the voice of morality or religion, were less felt; when the motives for it as well as the incentives of personal courage, were more mercenary; or when the demoralization consequent upon it was more widely or more fatally spread. The facts that follow in support of this conclusion come, in default of any other special reference, solely from that charming chronicler; allusion to other sources being only necessary to prove the existence of a common usage, and to leave no room for the theory that the cases gathered from Froissart were but occasional or accidental occurrences.

Even savage tribes, like the Zulus, spare the lives of women and children in war, and such a restraint is the first test of any warfare claiming to rank above the most barbarous. But in the fourteenth century such indiscriminate slaughter was the commonest episode of war: a fact not among the least surprising when we remember that the protection of women and the

defenseless was one of the special clauses of the oath taken by knights at the ceremony of investiture. Five days after the death of Edward III., and actually during negotiations between France and England, the admirals of France and Spain, at the command of the King of France, sailed for Rye, which they burned, slaying the inhabitants, whether men or women (1377); and it is a reasonable supposition that the same conduct marked their further progress of pillage and incendiarism in the Isle of Wight.

Nor were such acts only the incidents of maritime warfare, and perpetrated merely by the pirates of either country; for they occurred as frequently in hostilities by land, and in connection with the noblest names of Christendom. At Taillebourg, in Saintonge, the Earl of Derby had all the inhabitants put to the sword, in reprisals for the death of one knight, who during the assault on the town had met with his death. So it fared during the same campaign with three other places in Poitou, the chronicler giving us more details with reference to the fate of Poitiers. There were no knights in the town accustomed to war and capable of organizing a defense; and it was only people of the poorer sort who offered a brave but futile resistance to the army. When the town was won, 700 people were massacred; "for the Earl's people put every one to the sword, men, women and little children." The Earl of Derby took no steps to stop the slaughter, but after many churches and houses had been destroyed, he forbade under pain of death any further incendiarism, apparently for no other reason than that he wished to stay there for

ten or twelve days. A few years later, when the French had recovered Poitiers, the English knights, who had been there, marched away to Niort, which, on the refusal of the inhabitants to admit them, they forthwith attacked and speedily won, owing to the absence, as at Poitiers, of any knights to direct the defense. The male and female inhabitants alike were put to the sword. All these instances occur in one short chapter of Froissart.

Sometimes this promiscuous slaughter even raised its perpetrators to higher esteem. An episode of this sort occurred in the famous war between the citizens of Ghent and the Earl of Flanders. The Lord d'Enghien, with 4,000 cavaliers and a large force of foot, besieged the town of Grammont, which was attached to Ghent. About four o'clock one fine Sunday in June, the besiegers gained the town, and the slaughter, says Froissart, was very great of men,women and children, for to none was mercy shown. Upwards of 500 of the inhabitants were killed; numbers of old people and women were burned in their beds; and the town being then set on fire in more than two hundred places, was speedily reduced to ashes. "Fair son,"said the Earl of Flanders, greeting his returning relative, "you are a valiant man, and if it please God will be a gallant knight, for you have made a handsome beginning." History, however, may rejoice that so promising a career was checked in the bud; for the young nobleman's death in a skirmish within a few days made his first feat of arms also his last.

A similar story is connected with the memory of the fighting Bishop of Norwich, famous in those days.

Having been authorized by Pope Urban VI. to make war on Pope Clement VII., he went and besieged the town of Gravelines with shot and wild-fire, "till in the end our men entered the town with their Bishop, when they at his commandment destroying both man, woman and child, left not one alive of all those who remained in the town."[1] This was in 1383; and it will be observed how then, just as in later days, the excuse of superior orders served as an excuse for the perpetration of any crime, provided only it were committed in war.

It would be an error to suppose that these things were the mere accident of war, due to the passion of the moment, or to the feeble control of leaders over their men. In a very curious old French poem, called "The Vow of the Heron," indisputable evidence exists that the slaughter of women and children was not only often premeditated before the opening of hostilities, but that an oath binding a man to it was sometimes given and accepted as a token of commendable bravery. The poem in question deals with historical events and persons; and if not to be taken as literal history, undoubtedly keeps within the limits of probability, as proved by other testimony of the manners of those times. Robert, Count of Artois, exiled from France, comes to England, and bringing a roasted heron before Edward III. and his court, prays them to make vows by it before eating of it (in accordance with the custom which attached to such oaths peculiar sanctity) concerning the deeds of war they would undertake against the kingdom of France. Edward III.,

[1] Fox's *Actes and Monuments*, iii. 52.

the Earl of Salisbury, Sir Walter Manny, the Earl of Derby, Lord Suffolk, having all sworn according to the Count's wishes, Sir Fauquemont, striving to outdo them in the profession of military zeal, swore that if the king would cross the sea to invade France, he would always appear in the van of his troops, carrying devastation and fire and slaughter, and sparing not altars, nor relations, nor friends, neither helpless women nor children.[1]

Let the reader reflect that these things occurred in war, not of Christians against infidels, but of Christians with one another, and in a period commonly belauded for its advance in chivalrous humanity. The incidents related were of too common occurrence to call for special remark by their chronicler; but the peculiar atrocities of the famous sack of Limoges, by the express orders of Edward the Black Prince, were too much even for Froissart. It is best to let him tell his own story from the moment of the entry of the besieging force: "The Prince, the Duke of Lancaster, the Earls of Cambridge and of Pembroke, Sir Guiscard d'Angle, and the others, with their men, rushed into the town. You would then have seen pillagers active to do mischief, running through the town, slaying men, women and children, according to their commands. It was a most melancholy business, for all ranks, ages and sexes cast themselves on their knees before the Prince, begging for mercy; but he was so inflamed with passion and revenge that he listened to none, but all were put to the sword, wherever they could be found, even those who were not

[1] Saint-Palaye, *Mémoires sur la Chevalerie*, iii. 10, 133.

guilty; for, I know not why, the poor were not spared, who could not have had any part in this treason; but they suffered for it, and indeed more than those who had been the leaders of the treachery. There was not that day in the city of Limoges any heart so hardened or that had any sense of religion, which did not deeply bewail the unfortunate events passing before all eyes; for upwards of 3,000 men, women, and children were put to death that day. God have mercy on their souls, for they were veritable martyrs." Yet the man whose memory is stained with this crime, among the blackest in history, was he whom not his own country alone, but the Europe of his day, dubbed the Mirror of Knighthood; and those who blindly but (according to the still prevalent sophistry of militarism) rightly carried out his orders, counted among them at least three of the noblest names in England.

The absence in chivalry of any feeling strong enough to save the lives of women from the sword of the warrior renders improbable *à priori* any keen scruples against making them prisoners of war. In France such scruples were stronger than in England. The soldiers of the Black Prince took captive the Duchess of Bourbon, mother to the King of France, and imprisoned her in the castle of Belleperche; whence she was afterwards conducted into Guyenne, and ransom exacted for her liberty. Similar facts mark the whole period from the twelfth to the fifteenth century. When the Crusaders under Richard I. took Messina by assault, they carried off with their other lawful spoils all the noblest women belonging to the

Sicilians.[1] Edward I. made prisoners of the queen of Robert Bruce and her ladies, and of the Countess of Buchan, who had crowned Bruce. The latter, he said, as she had not used the sword, should not perish by it; but for her lawless conspiracy she should be shut up in a chamber of stone and iron, circular as the crown she gave; and at Berwick she should be suspended in the open air, a spectacle to travelers, and for her everlasting infamy. Accordingly, a turret was fitted up for her with a strong cage of lattice-work, made of strong posts and bars of iron.[2] In the fifteenth century, the English, in their war upon the French frontier, according to Monstrelet, "made many prisoners, and even carried off women, as well noble as not, whom they kept in close confinement until they ransomed themselves."[3] The notion, therefore, that in those times any special courtesy was shown in war to the weaker sex must be received with extreme latitude. In 1194, Henry, Emperor of the Romans, having taken Salerno in Apulia by storm, actually put up for auction to his troops the wives and children of the chief citizens whom he had slain and exiled.

To pass to the treatment of prisoners of war, who, be it remembered, were only those who could promise ransom. The old historian Hoveden, speaking of a battle that was fought in 1173, says that there fell in it more than 10,000 Flemings; the remainder, who were taken captive, being thrown into prison in irons, and there starved to death. There is no evidence whether, or for how long, starving re-

[1] Vinsauf's *Itinerary of Richard I.*, ii. 16.

[2] Matthew of Westminster, 460; Grose, ii. 348.

[3] Monstrelet, ii. 115.

mained in vogue ; but the iron chains were habitual, down even to the fourteenth century or later, among the Germans and Spaniards, the extortion of a heavier ransom being the motive for increasing the weight of chain and the general discomfort of prison. To let a prisoner go at large on parole for his ransom was an advance initiated by the French, that sprang naturally out of a state of hostilities in which most of the combatants became personally acquainted, but it was still conduct so exceptional that Froissart always speaks of it in terms of high eulogy. It was also an advance that often sprang out of the plainest necessities of the case, as when, after the battle of Poitiers, the English found their prisoners to be double their own numbers, wherefore in consideration of the risk they ran, they either received ransom from them on the spot or gave them their liberty in exchange for a promise to bring their ransom-money at Christmas to Bordeaux. Bertrand du Guesclin did the same by the English knights after their defeat at Pontvalin ; and it was in reference to this last occasion that Froissart calls attention to the superiority of the French over the Germans in not shackling their prisoners with a view to a heavier ransom. "Curses on them for it," he exclaims of the Germans ; "they are a people without pity or honor, and they ought never to receive quarter. The French entertained their prisoners well and ransomed them courteously, without being too hard upon them."

Nevertheless we must suspect that this sort of courtesy was rather occasional than habitual. Of this same Du Guesclin, whom St.-Palaye calls the flower

of chivalry,[1] two stories are told that throw a different but curious light on the manners of those times. Having on one occasion defeated the English and taken many of them prisoners, Du Guesclin tried to observe the rules of distributive justice in the partition of the captives, but failing of success and unable to discover to whom the prisoners really belonged, he and Clisson (who were brothers in arms), in order to terminate the differences which the victorious French had with one another on the subject, conceived that the only fair solution was to have them all massacred, and accordingly more than 500 Englishmen were put to death in cold blood outside the gates of Bressière.' So, on a second occasion, such a quantity of English were taken that "there was not, down to the commonest soldier, any one who had not some prisoner of whom he counted to win a good ransom; but as there was a dispute between the French to know to whom each prisoner belonged, Du Guesclin, to put them all on a level, ordered them to put all to the sword, and only the English chiefs were spared."[3] This ferocious warrior, the product and pride of his time, and the favorite hero of French chivalry, was hideous in face and figure; and if we think of him, with his round brown face, his flat nose, his green eyes, his crisp hair, his short neck, his broad shoulders, his long arms, short body, and badly made legs, we have evidently one of the worst specimens of that type which was so long the curse of humanity, the warrior of mediæval Europe.

[1] *Mémoires sur la Chevalerie*, i. 322.

[2] Petitot, v. 102; and Ménard, *Vie de B. du Guesclin*, 440.

[3] Petitot, v. 134.

In respect, therefore, of Hallam's statement that the courtesy of chivalry gradually introduced an indulgent treatment of prisoners which was almost unknown to antiquity, it is clear that it would be unwise to press too closely the comparison on this head between pre-Christian and post-Christian warfare. At the siege of Toledo, the Besque de Vilaines, a fellow-soldier of Du Guesclin in the Spanish war, in order to intimidate the besieged into a surrender, had as many gallows erected in front of the city as he had taken prisoners, and actually had more than two dozen hung by the executioner with that object. In the pages of Livy or Thucydides there may be many a bad deed recorded, but at least there is nothing worse than the deeds of the Besque de Vilaines, or of Du Guesclin, Constable of France, or of Edward the Black Prince of England.

There is another point besides the fettering of prisoners in which attention is drawn in Froissart to the exceptional barbarity of the Spaniards ; and in no estimate of the military type of life in the palmiest days of chivalry would it be reasonable to omit all consideration of Spain. In the war between Castile and Portugal, the forces under Don John of Castile laid siege to Lisbon, closely investing it ; and if any Portuguese were taken prisoners in a skirmish or otherwise, their eyes were put out, their legs, arms, or other members torn off, and in such plight they were sent back to Lisbon with the message that when the town was taken mercy would be shown to none. Such was the story told by the Portuguese ambassador to the Duke of Lancaster, and repeated on his authority

by Froissart. For the credit of humanity, to say nothing of chivalry, one would fain disbelieve the tale altogether or regard it as an episode that stood by itself and apart from the general practice of the age, since it is the only one of the kind related by Froissart. But the frequency as much as the rarity of a practice may account for the silence of an annalist, and there is little doubt that mutilation of the kind described was common in the chivalrous period, even if obsolete or nearly so in the fourteenth century. Blinding and castration were not only punishments inflicted for offenses against the forest laws of the Norman kings of England, but were the common fate of captive enemies in arms throughout Europe in the eleventh and twelfth centuries. This, for instance, was the treatuent of their Welsh prisoners by the Earls of Shrewsbury and Chester in 1098; as also of William III., King of Sicily, at the hands of Henry, Emperor of the Romans, in 1194. At the close of the twelfth century, in the war between Richard I. of England and Philip Augustus of France, blinding was resorted to on both sides; for Hoveden expressly says: "The King of France had the eyes put out of many of the English king's subjects whom he had made prisoners, and this provoked the King of England, unwilling as he was, to similar acts of impiety." And to take a last instance, in 1225, the Milanese having taken prisoners 500 Genoese crossbowmen, deprived each of them of an eye and an arm, in revenge for the injury done by their bows.[1] So that it would be interesting, if possible, to learn from some historian the

[1] Meyrick, *Ancient Armour*, ii. 5.

date and cause of the cessation of customs so profoundly barbarous and brutal.

By the rules again, of chivalrous warfare, all persons found within a town taken by assault were liable, and all the male adults likely, to be killed. Bertrand Du Guesclin made it a maxim before attacking a place to threaten its commander with the alternative of surrender or death; a military custom perhaps as old as war itself, and one that has descended unchanged to our own times. Only by a timely surrender could the besieged cherish any hope for their lives or fortunes; and even the offer of a surrender might be refused, and an unconditional surrender be insisted upon instead. This is proved by the well-known story of Edward III. at the siege of Calais, a story sometimes called in doubt merely for resting solely on the authority of Froissart. The governor of Calais offered to surrender the town and all things in it, in return for a simple permission to leave it in safety. Sir Walter Manny replied that the king was resolved that they should surrender themselves solely to his will, to ransom or kill them as he pleased. The Frenchmen retorted that they would suffer the direst extremities rather than submit to the smallest boy in Calais faring worse than the rest. The king obstinately refused to change his mind, till Sir Walter Manny, pressing upon him the reluctance of his officers to garrison his castles with the prospect of reprisals which such an exercise of his war-right would render probable, Edward so far relented as to insist on having six citizens of Calais left to the absolute disposal of his revenge. When

the six who offered themselves as a sacrifice for the rest of their fellow-citizens reached the presence of the king, the latter, though all the knights around him were moved even to tears, gave instant orders to behead them. All who were present pleaded for them, and above all, Sir Walter Manny, in accordance with his promise to the French governor; but it was all in vain, and but for the entreaties of the queen, those six citizens would have fallen victims to the savage wrath of the pitiless Edward.

Two facts support the probable truth of the above narrative from Froissart. In the first place, it is in perfect keeping with the conduct of the same warrior at the taking of Caen. When the king heard what mischief the inhabitants had inflicted on his army by their vigorous defense, he gave orders that all the rest of the inhabitants should be slain and the town burnt;[1] and had it not been for the remonstrances of Sir Godfrey de Harcourt, there is little reason to doubt but that he would thus have glutted, as he craved to do, the intense native savagery of his soul. In the second place, the story is in perfect keeping with the common war-rule of that and later times, by virtue of which a conqueror might always avail himself of the distress of his enemy to insist upon a surrender at discretion, which of course was equivalent to a surrender to death or any thing else.

How commonly death was inflicted in such cases may be shown from some narratives of capitulations given by Monstrelet. When Meaux surrendered to Henry V., six of the defenders were reserved by name

[1] i. 123.

to be delivered up to justice (such was the common expression), and four were shortly after beheaded at Paris[1]. When Meulan surrendered to the regent, the Duke of Bedford, numbers were specially excepted from those to whom the Duke granted their lives, "to remain at the disposal of the lord regent." [2] When some French soldiers having taken refuge in a fort were so closely besieged by the Earl Marshal of England as to be obliged to surrender at discretion, many of them were hanged.[3] When the garrison of Guise capitulated to Sir John de Luxembourg, a general pardon was granted to all, except to certain who were to be delivered up to justice.[4] When the same captain, with about one thousand men, besieged the castle of Guetron, wherein were some sixty or eighty Frenchmen, the latter proposed to surrender on condition of the safety of their lives and fortunes; "they were told they must surrender at discretion. In the end, however, it was agreed to by the governor that from four to six of his men should be spared by Sir John. When this agreement had been settled and pledges given for its performance, the governor re-entered the castle, and was careful not to tell his companions the whole that had passed at the conference, giving them to understand in general that they were to march away in safety; but when the castle was surrendered all within it were made prisoners. On the morrow, by the orders of Sir John de Luxembourg, they were all strangled and hung on trees hard by, except the four or six before mentioned—one of their com-

[1] Monstrelet, i. 259.
[2] ii. 5.
[3] ii. 11.
[4] ii. 22, compare ii. 56.

panions serving for the executioner."[1] One more of these black acts, so common among the warriors of chivalry, and this point perhaps will be accepted as proved. The French had gained possession of the castle of Rouen, but after twelve days were obliged to surrender at discretion to the English; "they were all made prisoners, and put under a good guard; and shortly after, one hundred and fifty were beheaded at Rouen."[2]

Let us pass next from the animate to the inanimate world as affected by warfare. The setting on fire of Grammont in more than two hundred places is a fair sample of the normal use of arson as a military weapon in the chivalrous period. To burn an undefended town or village was accounted no meanness; and was as frequent as the destruction of crops, fruit-trees, or other sources of human subsistence. The custom of tearing up vines or fruit-trees contrasts strongly with the command of Xerxes to his forces to spare the groves of trees upon their march; and any reader of ancient history will acknowledge the vast deterioration from the pagan laws of war which every page of the history of Christian chivalry reveals and exposes.

But little as was the forbearance displayed in war towards defenseless woman and children, or to the crops and houses that gave them food and shelter, it might perhaps have been expected that, at a time when no serious dissent had come to divide Christianity, and when the defense of religion and religious ceremonies was among the professed duties of knighthood, churches and sacred buildings should have

[1] Monstrelet, ii. 111. [2] ii. 113.

enjoyed especial immunity from the ravages of war. Even in pagan warfare the temples of the enemy as a rule were spared; such an act as the destruction of the sacred edifices of the Marsi by the Romans under Germanicus being contrary to the better traditions of Roman military precedent.

Permissible as it was by the rules of war, says Polybius, to destroy an enemy's garrisons, cities or crops, or any thing else by which his power might be weakened, it was the part of mere rage and madness to destroy such things as their statues or temples, by which no benefit or injury accrued to one side or the other; nor are allusions to violations of this rule numerous in pre-Christian warfare.[1] The practice of the Romans and Macedonians to meet peaceably together in time of war on the island of Delos, on account of its sanctity as the reputed birthplace of Apollo,[2] has no parallel in the history of war among the nations of Christendom. The most that can be said for the fourteenth century in this respect is that slightly stronger scruples protected churches and monasteries than the lives of women and children. This is implied in Froissart's account of the storming of Guerrande: "Men, women and children were put to the sword, and fine churches sacrilegiously burned; at which the Lord Lewis was so much enraged, that he immediately ordered twenty-four of the most active to be hanged on the spot."

But the slightest embitterment of feeling removed

[1] See for some, Livy, xxix. 8, xxxi. 26, 30, xxxvii. 21, xliii. 7, xliv. 29.

[2] Livy, xliv. 29.

all scruples in favor of sacred buildings. Richard II., having with his army crossed the Tweed, took up his quarters in the beautiful abbey of Melrose; after which the monastery, though spared in all previous wars with Scotland, was burned, because the English had determined, says Froissart, to ruin every thing in Scotland before returning home, in revenge for the recent alliance entered into by that country with France. The abbey of Dunfermline, where the Scotch kings used to be buried, was also burned in the same campaign; and so it fared with all other parts of Scotland that the English overran; for they "spared neither monasteries nor churches, but put all to fire and flame."

Neither did any greater degree of chivalry display itself in the matter of the modes and weapons of warfare. Although reason can urge no valid objection against the means of destruction resorted to by hostile forces, whether poisoned arrows, explosive bullets, or dynamite, yet certain things have been generally excluded from the category of fair military practices, as for example the poisoning of an enemy's water. But the warriors of the fourteenth century, even if they stand acquitted of poisoning rivers and wells, had no scruples about poisoning the air: which perhaps is nearly equivalent. The great engines they called Sows or Muttons, like that one 120 feet wide and 40 feet long, from which Philip von Artefeld and the men of Ghent cast heavy stones, beams of wood, or bars of hot copper into Oudenarde, must have made life inside such a place unpleasant enough; but worse things could be injected than copper bars or missiles of wood. The Duke of Normandy, besieging the English

garrison at Thin-l'Evêque, had dead horses and other carrion flung into the castle, to poison the garrison by the smell; and since the air was hot as in mid-summer, it is small wonder that the dictates of reason soon triumphed over the spirit of resistance. And at the siege of Grave the chivalry of Brabant made a similar use of carrion to empoison the garrison into a surrender.

Even in weapons different degrees of barbarity are clearly discernible, according as they are intended to effect a disabling wound, or a wound that will cause needless laceration and pain by the difficulty of their removal. A barbed arrow or spear betokens of course the latter object, and it is worth visiting the multi-barbed weapons in Kensington Museum from different parts of the world, to learn to what lengths military ingenuity may go in this direction. The spear heads of the Crusaders were barbed;[1] and so were the arrows used at Crecy and elsewhere, as may be seen on reference to the manuscript pictures, the object being to make it impossible to extract them without laceration of the flesh. The sarbacane or long hollow tube was in use for shooting poisoned arrows at the enemy;[2] and pictures remain of the vials of combustibles that were often attached to the end of arrows and lances.[3]

The above facts clearly show the manner and spirit with which our ancestors waged war in the days of what Hallam calls chivalrous virtue; one of the most stupendous historical impostures that has ever become an accepted article of popular belief. The

[1] Meyrick, i. 41.

[2] Demmin, *Encyclopêdie d'Armurerie*, 490.

[3] Meyrick, ii. 204.

military usages of the Greeks and Romans were mild and polished, compared to the immeasurable savagery which marked those of the Christians of Froissart's day. As for the redeeming features, the rare generosity or courtesy to a foe, they might be cited in almost equal abundance from the warfare of the Red Indians; but what sheds a peculiar stain on that of the Chevaliers is the ostentatious connection of religion with the atrocities of those blood-sucking marauders. The Church by a peculiar religious service blessed and sanctified both the knight and his sword; and the most solemn rite of the Christian faith was profaned to the level of a preliminary of battle. At Easter and Christmas, the great religious festivals of a professedly peace-loving worship, the Psalm that was deemed most appropriate to be sung in the chapels of the Pope and the King of France was that beginning, "Benedictus Dominus Deus meus, qui docet manus meas ad bellum et digitos meos ad prœlia."

It was a curious feature of this religion of war that, when Edward III.'s forces invaded France, so strict was the superstition that led them to observe the fast of Lent, that among other things conveyed into the country were vessels and boats of leather wherewith to obtain supplies of fish from the lakes and ponds of the enemy.

It is indeed passing strange that Christianity, which could command so strict an observance of its ordinances as is implied in the transport of boats to catch fish for Lent, should have been powerless to place any check whatever on the ferocious militarism of the time; and the very little that was ever done by

the Church to check or humanize warfare is an eternal reflection on the so-called conversion of Europe to Christianity. Nevertheless the Church, to do her justice, used what influence she possessed on the side of peace in a manner she has long since lost sight of; nor was the Papacy in its most distracted days ever so indifferent to the evils of war as the Protestant Church has been since, and is still. Clement VI. succeeded in making peace between France and England, just as Alexander III. averted a war between the two countries in 1161. Innocent VI. tried to do the same; and Urban V. returned from Rome to Avignon, hoping to effect the same good object. Gregory XI. was keenly distressed at the failure of efforts similar to those of his predecessors. The Popes indeed endeavored to stop wars, as they endeavored to stop tournaments, or the use of the crossbow; but they were defeated by the intense barbarism of chivalry; nor can it be laid to the charge of the Church of Rome, as it can to that of the Church of the Reformation, that she ever folded her hands in despairful apathy before a custom she admitted to be evil. The cardinals and archbishops of those days were constantly engaged in pacific, nor always futile, embassies. And the prelates would frequently preach to either side arguments of peace; a fact that contrasts badly with the almost universal silence and impotence of the modern pulpit, either to stay a war or to mitigate its barbarities.

But it is true that they knew equally well how to play on the martial as on the pacific chord in their audiences; for the eloquence of an Archbishop of

Toulouse turned sixty towns and castles to the interest and rights of the French king in his quarrel with England; and the preaching of prelates and lawyers in Picardy had a similar effect in other large towns. Nor were the English clergy slower than the French to assert the rights of their king and country, for Simon Tibald, Bishop of London, made several long and fine sermons to demonstrate (as always is demonstrated in such cases) that the King of France had acted most unjustly in renewing the war, and that his conduct was at total variance both with equity and reason.

But these appeals to the judgment of their congregation by the clergy are also a proof that in the fourteenth century the opinion of the people did not count for so little as is often supposed in the making of peace and war. Yet the power of the people in this respect was doubtless as insignificant as it still is in our own days: nothing being more remarkable, even in the free government of modern England, than the influence of the people in theory and their influence in fact on the most important question that regards their destinies.

Nor are the moral causes difficult to trace which in those times made wars break out so frequently and last so long that those who now read of them can only marvel how civilization ever emerged at all, even to the imperfect degree to which it is given to us to enjoy it. The love of adventure and the hope of fame were of course among the principal motives. The saying of Adam Smith, that the great secret of education is the direction of personal vanity to proper objects, contains

the key to all advance that has ever been made in civilization, and to every shortcoming. The savagery of the middle ages was due to the direction of personal vanity exclusively into military channels, so that the desire for distinction often displayed itself in forms of perfect absurdity, as in the case of the young English knights who went abroad with one eye veiled, binding themselves by a vow to their ladies neither to see with their eyes nor reply to any thing asked of them till they had signalized themselves by the performance of some wondrous deed in France. The gradual opening up in later days of other paths to distinction than that of arms has very much diminished the danger to the public peace involved in the worthless education of our ancestors.

Nor was the personal distinction of the warrior gained at any great risk of personal danger. The personal danger in war decreased in exact ratio with the rank of the combatant, and it was only the lower orders of the social hierarchy who unreservedly risked their lives. In case of defeat they had no ransom to offer for mercy, and appear almost habitually to have been slain without any. If it was a common thing for either side to settle before a battle the names of those on the other who should be admitted to ransom, it was no uncommon thing to determine, as the English did before Crecy, to give no quarter to the enemy at all. But as a rule the battle-field was of little more peril to the knight than the tournament; and though many perished when powerless to avert the long thin dagger, called the *misericorde*, from the interstices of their armor or the visor of their helmets, yet the striking

fact in Froissart is the great number of battles, skirmishes, and sieges in which the same names occur, proving how seldom their bearers were wounded, disabled or killed. This of course was due mainly to the marvelous defensive armor they wore, which justifies the wonder not merely how they fought but even how they moved. Whether encased in coats of mail, sewn upon or worn over the gambeson or thick undergarment of cloth or leather, or in plates of solid steel, at first worn over the mail and then instead of it, and often with the plastron or breastplate of forged iron beneath both hauberk and gambeson, they evidently had little to fear from arrow, sword or lance, unless when they neglected to let down the visor of the helmet, as Sir John Chandos did, when he met with his death from a lance wound in the eye (1370). Their chief danger lay in the hammering of battle-axes on their helmets, which stunned or wounded, but seldom killed them. But the foot soldiers and light cavalry, though generally well equipped, were less well protected by armor than the knights, the hauberk or coat of mail being allowed in France only to persons possessed of a certain estate; so that the knights were formidable less to one another than to those who by the conditions of the combat could not be so formidable to themselves.

The surcoat was also a defense to the knight, as indicating the ransom he could pay for his life. Otherwise it is impossible to account for his readiness to go into action with this long robe flowing over his plate of steel and all his other accouterments. Had Sir John Chandos not been entangled in his long

surcoat when he slipped, he might have lived to fight many another battle to the honor of English chivalry. Richness of armor served also the same purpose as the surcoat. At the battle of Nicopoli, when the flower of the French nobility met with so disastrous a defeat at the hands of the Turks, the lords of France were, says Froissart, so richly dressed out in their emblazoned surcoats as to look like little kings, and many for a time owed their lives to the extreme richness of their armor, which led the Saracens to suppose them greater lords than they could really boast to be. So again the elaborate gold necklaces worn by distinguished officers in the seventeenth century were probably rather symbols of the ransom their wearers could pay, than worn merely for ostentation and vanity. It was to carelessness on this score that the Scotch owed their great losses at the battle of Musselborough in 1548: for (to put the words of Patin in modern dress) their "vileness of port was the cause that so many of the great men and gentlemen were killed and so few saved. The outward show, the semblance and sign whereby a stranger might discern a villain from a gentleman, was not among them to be seen."

War under these conditions chiefly affected the lives of the great by pleasantly relieving the monotony of peaceful days. In time of peace they had few occupations but hawking, hunting and tilting, and during hostilities those amusements continued. Field sports, sometimes spoken of by their eulogists as the image of war, were not absent during its reality. Edward III. hunted and fished daily during his campaign in France, having with him thirty falconers on

horseback, sixty couples of staghounds, and as many greyhounds. And many of his nobles followed his example in taking their hawks and hounds across the Channel.

But the preceding causes of the frequency of war in the days of chivalry are quite insignificant when compared with that motive which nowadays mainly finds vent in the peaceful channels of commerce—namely, the common desire of gain. The desire for glory had far less to do with it than the desire of lucre; nor is any thing from the beginning to the end of Froissart more conspicuously displayed than the merely mercenary motive for war. The ransom of prisoners or of towns, or even ransom for the slain,[1] afforded a short and royal road to wealth, and was the chief incentive, as it was also the chief reward of bravery. The Chevalier Bayard made by ransoms in the course of his life a sum equal to 4,000*l.*, which in those days must have been a fortune;[2] and Sir Walter Manny in a single campaign enriched himself by 8,000*l.* in the same way.[3] So that the story is perfectly credible of the old Scotch knight, who in a year of universal peace prayed, "Lord, turn the world upside down that gentlemen may make bread of it." Loot and rapine, the modern attractions of the brigand, were then in fact the main temptations of the knight or soldier; and the distinction between the latter and the brigand was far less than it had been in the pre-Christian period, or than it is in more modern times. Indeed the very word *brigand* meant,

[1] Grose, ii. 114. [2] Petitot, xvi. 134.
[3] Grose, ii. 343.

originally, merely a foot-soldier who fought in a brigade, in which sense it was used by Froissart; and it was only the constant addiction of the former to the occupations of the highwayman that lent to the word brigand its subsequent evil connotation.

But it was not merely the common soldier to whom the first question in a case of war was the profit to be gained by it; for men of the best families of the aristocracy were no less addicted to the land piracy which then constituted war, as is proved by such names as Calverly, Gournay, Albret, Hawkwood, and Guesclin. The noble who was a soldier in war often continued to fight as a robber after peace was made, nor thought it beneath him to make wretched villagers compound for their lives; and in spite of truces and treaties, pillage and ransom afforded his chief and often his sole source of livelihood. The story of Charles de Beaumont dying of regret for the ransom he had lost, because by mistake he had slain instead of capturing the Duke of Burgundy at the battle of Nancy, is a fair illustration of the dominion then exercised by the lowest mercenary feelings over the nobility of Europe.

This mercenary side of chivalrous warfare has been so lost sight of in the conventional descriptions of it, that it is worth while to bring into prominence how very little the cause of war really concerned those who took part in it, and how unfounded is the idea that men troubled to fight for the weak or the oppressed under fine impulses of chivalry, and not simply in any place or for any object that held out to them the prospect of gain. How otherwise

is it possible to account for the conduct of the Black Prince, in fighting to restore Pedro the Cruel to the throne of Castile, from which he had been displaced in favor of Henry of Trastamare, not merely by the arms of Du Guesclin and the French freebooters, but by the wishes and consent of the people? Any thought for the people concerned, or of sympathy for their liberation, as little entered into the mind of the Black Prince as if the question had concerned toads or rabbits. Provided it afforded an occasion for fighting, it mattered nothing that Pedro had ruled oppressively; that he had murdered, or at least was believed to have murdered, his wife, the sister of the reigning King of France; nor that he had even been condemned by the Pope as an enemy to the Christian Church. Yet before the battle of Navarette (1367), in which Henry was completely defeated, the Prince did not hesitate in his prayers for victory to assert that he was waging war solely in the interests of justice and reason; and it was for his success in this iniquitous exploit (a success which only awaited his departure from the country to be followed by a rising in favor of the monarch he had deposed) that the Prince won his chief title to fame; that London exhausted itself in shows, triumphs and festivals in his honor; and that Germans, English and Flemish with one accord entitled him "the mirror of knighthood." The Prince was only thirteen when he fought at Crecy, and he fought with courage: he was only ten years older when he won the battle of Poitiers, and he behaved with courtesy to the captive French king, from whom he looked for an extortionate ransom; but the ex-

travagant eulogies commonly heaped upon him prove how little exalted in reality was the military ideal of his age. His sack of Limoges, famous among military atrocities, has already been spoken of; nor should it be forgotten, as another indication of his character, that when two messengers brought him a summons from the King of France to answer the appeal of the Gascons of Aquitaine, he actually imprisoned them, showing himself however in this superior to his nobles and barons, who actually advised capital punishment as the fittest salary to the envoys for their pains.

The Free Companies, or hordes of robbers, who ravaged Europe through all the period of chivalry and constituted the greatest social difficulty of the time, were simply formed of knights and men-at-arms, who, when a public war no longer justified them in robbing and murdering on behalf of the State, turned robbers and murderers on their own account. After the treaty of Bretigny had put a stop to hostilities between France and England (1360), 12,000 of these men, men of rank and family as well as needy adventurers, and under leaders of every nationality, resolved sooner than lay down their arms to march into Burgundy, there to relieve by the ransoms they might levy the poverty they could not otherwise avert. Many a war had no other justification than the liberation of one people from their outrages by turning them upon another. Thus Du Guesclin led his White Company into Spain on behalf of Henry the Bastard, less to avenge the cruelties of Pedro than to free France from the curse of her unemployed chivalry; and Henry the Bastard, when by such help he had

wrested the kingdom of Castile from his brother Pedro, designed an invasion of Granada simply to divert from his own territories the allies who had placed him in possession of them. This was a constant source of war in those days, just as in our own the existence of large armies leads of necessity to wars for their employment; and even the Crusades derive some explanation from the operation of the motive indicated.

No historical microscope, indeed, will detect any difference between the Free Companies and the regular troops, since not only the latter merged into the former, but both were actuated by the sole pursuit of gain, and equally indifferent to ideas of honor or patriotism. The creed of both was summed up in the following regretful speech, attributed to Aymerigot Marcel, a great captain of the pillaging bands: "There is no pleasure in the world like that which men such as ourselves enjoyed. How happy were we when, riding out in search of adventures, we met a rich abbot, a merchant, or a string of mules, well laden with draperies, furs or spices, from Montpellier, Beziers, and other places! All was our own or ransomed according to our will. Every day we gained money, . . . we lived like kings, and when we went abroad the country trembled; every thing was ours both in going and returning."

In the days of chivalry, this desire of gain, however gotten, pervaded and vitiated all classes of men, from the lowest to the highest. Charles IV. of France, when his sister Isabella, queen of Edward II., fled to him, promised to help her with gold and silver, but

secretly, lest it should bring him into war; and then when messengers from England came with gold and silver and jewels for himself and his ministers, both he and his council became in a short time as cold to the cause of Isabella as they had been warm, the king even going so far as to forbid any of his subjects under pain of banishment to help his sister in her projected return. And again, when Edward III. was about to make war with France, was he not told that his allies were men who loved to gain wealth, and whom it was necessary to pay beforehand? And did he not find that a judicious distribution of florins was as effective in winning over to his interests a duke, a marquis, an archbishop, and the lords of Germany, as the poorer citizens of the town of Flanders?

Money, therefore, or its equivalent, and not the title to the crown of France, was at the root of the wars waged abroad by the English under Edward III. The question of title simply served as pretext, covering the baser objects of the invasion. No historical fact is clearer, ignored though it has been in the popular histories of England, than that the unpopularity of his successor, Richard II., arose from his marriage with the daughter of the King of France, and from his desire for peace between the two kingdoms, of which the marriage was the proof and the security. When his wish for peace led to the formation of a war and a peace party among the English nobility, Froissart says: "The poorer knights and archers were of course for war, as their sole livelihood depended upon it.[1] They had learned idleness and looked to war as a

[1] iv. 27.

means of support." In reference to the great peace conference held at Amiens in 1391, he observes: "Many persons will not readily believe what I am about to say, though it is strictly true, that the English are fonder of war than of peace. During the reign of Edward, of happy memory, and in the lifetime of his son the Prince of Wales, they made such grand conquests in France, and by their victories and ransoms of towns, castles and men gained such wealth that the poorest knights became rich; and those who were not gentlemen by birth, by gallantly hazarding themselves in these wars, were ennobled by their valor and worth. Those who came after them were desirous of following the same road. . . . Even the Duke of Gloucester, son of King Edward, inclined to the opinion of the commons, as did many other knights and squires who were desirous of war to enable them to support their state." [1]

No other country, indeed, pleased these English brigand knights so well as France for the purpose of military plunder. Hence the English who returned from the expedition to Castile complained bitterly that in the large towns where they expected to find every thing, there was nothing but wines, lard and empty coffers; but that it was quite otherwise in France, where they had often found in the cities taken in war such wealth and riches as astonished them; it was in a war with France therefore that it behooved them to hazard their lives, for it was very profitable, not in a war with Castile or Portugal, where there was nothing but poverty and loss to be suffered.[2]

[1] iv. 36. [2] iii. 109.

With this evidence from Froissart may be compared a passage from Philip de Commines, where he says, in speaking of Louis XI. toward the end of the following century: "Our master was well aware that the nobility, clergy and commons of England are always ready to enter upon a war with France, not only on account of their old title to its crown, but by the desire of gain, for it pleased God to permit their predecessors to win several memorable battles in this kingdom, and to remain in possession of Normandy and Guienne for the space of 350 years, . . . during which time they carried over enormous booty into England. Not only in plunder which they had taken in the several towns, but in the richness and quality of their prisoners, who were most of them great princes and lords, and paid them vast ransoms for their liberty; so that every Englishman afterwards hoped to do the same thereby and return home laden with spoils." [1]

Such, then, were the antecedents of the evil custom of war which has descended to our own time; and we shall have taken the first step to its abolition when we have thus learned to read its real descent and place in history, and to reject as pure hallucination the idea that in the warfare of the past any more than of the present there was any thing noble or great or glorious. That brave deeds were often done and noble conduct sometimes displayed in it must not blind us to its other and darker features. It was a warfare in which not even women and children were safe from the sword or lance of the knight or soldier; nor sacred

[1] *Mémoires*, vi. 1.

buildings exempt from their rage. It was a warfare in which the occasional mercy shown had a mercenary taint; in which the defeated were only spared for their ransom; and in which prisoners were constantly liable to torture, mutilation and fetters. Above all, it was a warfare in which men fought more from a sordid greed of gain than from any love or attachment to their king or country, so that all sense of loyalty would speedily evaporate if a king like Richard II. chanced to wish to live peaceably with his neighbors.

It is not unimportant to have thus shown the warfare of chivalry in its true light. For it is the delusion with regard to it which more than any thing else keeps alive those romantic notions about war and warriors that are the most fatal hindrance to removing both from the face of the earth. We clearly drive militarism to its last defenses if we deprive it of every period and of almost every name on which it is wont to rely as entitling it to our admiration or esteem.

CHAPTER III.

NAVAL WARFARE.

Una et ea vetus causa bellandi est profunda cupido imperii et divitiarum.—SALLUST.

Robbery the first object of maritime warfare—The piratical origin of European navies—Merciless character of wars at sea—Fortunes made by privateering in England—Privateers commissioned by the State—Privateers defended by the publicists—Distinction between privateering and piracy—Failure of the State to regulate privateering—Privateering condemned by Lord Nelson—Privateering abolished by the Declaration of Paris in 1856—Modern feeling against seizure of private property at sea—Naval warfare in days of wooden ships—Unlawful methods of maritime war—The Emperor Leo VI.'s "Treatise on Tactics"—The use of fire-ships—Death the penalty for serving in fire ships—Torpedoes originally regarded as "bad" war—English and French doctrine of rights of neutrals—Enemy's property under neutral flag secured by Treaty of Paris—Shortcomings of the Treaty of Paris with regard to:—(1) A definition of what is contraband; (2) The right of search of vessels under convoy; (3) The practice of embargoes; (4) the *jus angariæ*—The International Marine Code of the future.

THE first striking difference between military and naval warfare is that, while—in theory, at least—the military forces of a country confine their attacks to the persons and power of their enemy, the naval forces devote themselves primarily to the plunder of his property and commerce. If on land the theory of modern war exempts from spoliation all of an enemy's goods that do not contribute to his

military strength, on sea such spoliation is the professed object of maritime warfare. And the difference, we are told, is "the necessary consequence of the state of war, which places the citizens or subjects of the belligerent states in hostility to each other, and prohibits all intercourse between them,"[1] although the very reason for the immunity of private property on land is that war is a condition of hostility between the military forces of two countries, and not between their respective inhabitants.[1]

Writers on public law have invented many ingenious theories to explain and justify, on rational grounds, so fundamental a difference between the two kinds of warfare. "To make prize of a merchant ship," says Dr. Whewell, "is an obvious way of showing (such a ship) that its own State is unable to protect it at sea, and thus is a mode of attacking the State;"[2] a reason that would equally justify the slaughter of nonagenarians. According to Hautefeuille, the difference flows naturally from the conditions of hostilities waged on different elements, and especially from the absence at sea of any fear of a rising *en masse*, which, as it may be the result of wholesale robbery on land, serves to some extent as a safeguard against it.[3]

A simpler explanation may trace the difference to the maritime piracy which for many centuries was the normal relation between the English and Continental coasts, and out of which the navies of Europe were gradually evolved. Sir H. Nicolas, de-

[1] Halleck, *International Law*, ii. 154.

[2] *Elements of Morality*, sec. 1068.

[3] *Des Droits et Devoirs des Nations neutres*, ii. 321–323.

scribing the naval state of the thirteenth and early part of the fourteenth century, proves by abundant facts the following picture of it: "During a truce or peace ships were boarded, plundered and captured by vessels of a friendly power as if there had been actual war. Even English merchant ships were attacked and robbed as well in port as at sea by English vessels, and especially by those of the Cinque Ports, which seem to have been nests of robbers; and, judging from the numerous complaints, it would appear that a general system of piracy existed which no government was strong enough to restrain."[1]

The governments of those days were, however, not only not strong enough to restrain, but, as a rule, only too glad to make use of these pirates as auxiliaries in their wars with foreign powers. Some English ships carrying troops to France having been dispersed by a storm, the sailors of the Cinque Ports were ordered by Henry III., in revenge, to commit every possible injury on the French; a commission undertaken with such zeal on their part that they slew and plundered not only all the foreigners they could catch, but their own countrymen returning from their pilgrimages (1242). During the whole reign of Henry IV. (1399–1413), though there existed a truce between France and England, the ordinary incidents of hostilities continued at sea just as if the countries had been at open war.[2] The object on either side was plunder and wanton devastation; nor from their landing on each other's coasts, burning each other's towns and crops, and carrying off each other's property, did the

[1] *History of the Royal Navy*, i. 357. [2] Nicolas, ii. 341.

country of either derive the least benefit whatever. The monk of St. Denys shows that these pirates were really the mariners on whom the naval service of England chiefly depended in time of war, for he says, in speaking of this period: "The English pirates, discontented with the truce, and unwilling to abandon their profitable pursuits, determined to infest the sea and attack merchant ships. Three thousand of the most skillful sailors of England and Bayonne had confederated for that purpose, and, as was supposed, with the approbation of their king." It was not till the year 1413 that Henry V. sought to put a stop to the piratical practices of the English marine, and he then did so without requiring a reciprocal endeavor on the part of the other countries of Europe.[1]

Maritime warfare being thus simply an extension of maritime piracy, the usages of the one naturally became the usages of the other; the only difference being that in time of war it was with the license and pay of the State, and with the help of knights and squires, that the pirates carried on their accustomed programme of incendiarism, massacres and robberies.

From this connection, therefore, a lower character of warfare prevailed from the first on sea than on land, and the spirit of piracy breathed over the waters. No more mercy was shown by the regular naval service than was shown by pirates to the crew of a captured or surrendered vessel, for wounded and unwounded alike were thrown into the sea. When the fleet of Breton pirates defeated the English pirates in July, 1403, and took 2,000 of them prisoners,

[1] Nicolas, ii. 405.

they threw overboard the greater part of them;[1] and in the great sea-fight between the English and Spanish fleets of 1350, the whole of a crew of a Spanish ship that surrendered to the Earl of Lancaster was thrown overboard, "according to the barbarous custom of the age."[2]

Two other stories of that time still further display the utter want of any thing like chivalrous feeling in maritime usages. A Flemish ship, on its way to Scotland, having been driven by storm on the English coast, near the Thames, and its crew having been slain by the inhabitants, the king rewarded the assassins with the whole of the cargo, and kept the ship and the rigging for himself (1318).[3] In 1379, when a fleet of English knights, under Sir John Arundel, on its way to Brittany, was overtaken by a storm, and the jettison of other things failed to relieve the vessels, sixty women, many of whom had been forced to embark, were thrown into the sea.[4]

The piratical origin, therefore, of the navies of Europe, sufficiently explains the fact that plunder, which is less the rule than an incident of war on land, remains its chief object and feature at sea. The fact may further be explained by the survival of piracy long sanctioned by the States under the guise of privateering. If we would understand the popularity of wars in England in the old privateering days, we must recall the magnificent fortunes which were often won as prize-money in the career of legalized piracy. During the war which was concluded in 1748

[1] Monstrelet, i. 12.
[2] Nicolas, ii. 108.
[3] *Ibid.* i. 333.
[4] Froissart, ii. 85.

by the treaty of Aix-la-Chapelle, England captured of French and Spanish ships collectively 3,434, whilst she herself lost 3,238; but, small compensation as this balance of 196 ships in her favor may seem after a contest of some nine years, the pecuniary balance in her favor is said to have amounted to 2,000,000*l.*[1]

We now begin to see why our forefathers rang their church bells at the announcement of war, as they did at the declaration of this one against Spain. War represented to large classes what the gold mines of Peru represented to Spain—the best of all possible pecuniary speculations. In the year 1747 alone the English ships took 644 prizes; and of what enormous value they often were! Here is a list of the values which the cargoes of these prizes not unfrequently reached:

That of the "Héron," a French ship, 140,000*l.*
That of the "Conception," a French ship, 200,000*l.*
That of "La Charmante," a French East Indiaman, 200,000*l.*
That of the "Vestal," a Spanish ship, 140,000*l.*
That of the "Hector," a Spanish ship, 300,000*l.*
That of the "Concordia," a Spanish ship, 600,000*l.*[2]

Two Spanish register ships are recorded to have brought in 350*l.* to every foremast man who took part in their capture. In 1745 three Spanish vessels returning from Peru having been captured by three

[1] Entick, *New Naval History* (1757), 823. "Some of the Spanish prizes were immensely rich, a great many of the French were of considerable value, and so were many of the English; but the balance was about two millions in favor of the latter."

[2] From Entick's *New Naval History* (1757), 801–817.

privateersmen, the owners of the latter received to their separate shares the sum of 700,000*l.*, and every common seaman 850*l.* Another Spanish galleon was taken by a British man-of-war with a million sterling in bullion on board.

These facts suffice to dispel the wonder we might otherwise feel at the love our ancestors had for mixing themselves up, for any pretext or for none, in hostilities with Continental powers. Our policy was naturally spirited, when it meant chances like these for all who lacked either the wit or the will to live honestly, and returns like these on the capital invested in the patriotic equipment of a few privateers. But what advantage ultimately accrued to either side, after deduction made for all losses and expenses, or how far these national piracies contributed to the speedier restoration of peace, were questions that apparently did not enter within the range of military reasoning to consider.

Every thing was done to make attractive a life of piracy spent in the service of the State. Originally every European State claimed some interest in the prizes it commissioned its privateers to take ; but the fact that each in turn surrendered its claim proves the difficulty there was in getting these piratical servants to submit their plunder to the adjudication of the prize-courts. Originally all privateers were bound to deliver captured arms and ammunition to their sovereign, and to surrender a percentage of their gains to the State or the admiral : but it soon came to pass that sovereigns had to pay for the arms they might wish to keep, and that the percentage deducted was

first diminished and then abolished altogether. At first 30 per cent. was deducted in Holland, which fell successively to 18 per cent., to 10 per cent., to nothing; and in England the 10 per cent. originally due to the admiral was finally surrendered.[1] The crew also enjoyed an additional prize of money for every person slain or captured on an enemy's man-of-war or privateer, and for every cannon in proportion to its bore.[2]

Of all the changes of opinion that have occurred in the world's history, none is more instructive than that which gradually took place concerning privateering, and which ended in its final renunciation by most of the maritime powers in the Declaration of Paris in 1856.

The weight of the publicists' authority was for long in its favor. Vattel only made the proviso of a just cause of war the condition for reconciling privateering with the comfort of a good conscience.[3] Valin defended it as a patriotic service, in that it relieved the State from the expense of fitting out war-vessels. Emerigon denounced the vocation of pirates as infamous, while commending that of privateers as honest and even glorious. And for many generations the distinction between the two was held to be satisfactory, that the privateer acted under the commission of his sovereign, the pirate under no one's but his own.

Morally, this distinction of itself proved little. Take the story of the French general Crillon, who, when Henri III. proposed to him to assassinate the

[1] Martens, *Essai sur les Corsaires* (Horne's translation), 86, 87.
[2] *Ibid.* 93. [3] III. xv. 229.

Duc de Guise, is said to have replied, "My life and my property are yours, Sire; but I should be unworthy of the French name were I false to the laws of honor." Had he accepted the commission, would the deed have been praiseworthy or infamous? Can a commission affect the moral quality of actions? The hangman has a commission, but neither honor nor distinction. Why, then, should a successful privateer have been often decorated with the title of nobility or presented with a sword by his king?[1]

Historically, the distinction had even less foundation. In olden times individuals carried on their own robberies or reprisals at their own risk; but their actions did not become the less piratical when, about the thirteenth century, reprisals were taken under State control, and became only lawful under letters of marque duly issued by a sovereign or his admirals. In their acts, conduct and whole procedure, the commissioned privateers of later times differed in no discernible respects from the pirates of the middle ages, save in the fact of being utilized by the State for its supposed benefit; and this difference, only dating as it did from the time when the prohibition to fit out cruisers in time of war without public authority first became common, was evidently one of date rather than of nature.

Moreover, the attempt of the State to regulate its piratical service failed utterly. In the fourteenth century it was customary to make the officers of a privateer swear not to plunder the subjects of the commissioning belligerent, or of friendly powers, or of

[1] Emerigon, *On Insurances* (translation), 442.

vessels sailing under safe-conducts; in the next century it became necessary, in addition to this oath, to insist on heavy pecuniary sureties;[1] and such sureties became common stipulations in treaties of peace. Nearly every treaty between the maritime powers after about 1600 contained stipulations in restraint of the abuses of privateering; on the value of which, the complaints that arose in every war that occurred of privateers exceeding their powers are a sufficient comment. The numerous ordinances of different countries threatening to punish as pirates all privateers who were found with commissions from *both* belligerents, give us a still further insight into the character of those servants of the State.

In fact, so slight was the distinction founded on the possession of a commission, that even privateers with commissions were sometimes treated as actual pirates and not as legitimate belligerents. In the seventeenth century, the freebooters and buccaneers who ravaged the West Indies, and who consisted of the outcasts of England and the Continent, though they were duly commissioned by France to do their utmost damage to the Spanish colonies and commerce in the West Indies, were treated as no better than pirates if they happened to fall into the hands of the Spaniards. And especially was this distinction disallowed if there were any doubt concerning the legitimacy of the letters of marque. England, for instance, refused at first to treat as better than pirates the privateers of her revolted colonists in America; and in the French Revolution she tried to persuade the

[1] Martens, 19.

powers of Europe so to deal with privateers commissioned by the republican government. Russia having consented to this plan, its execution was only hindered by the honorable refusal of Sweden and Denmark to accede to so retrograde an innovation.[1]

An illusory distinction between the prize of a pirate and that of a privateer was further sustained by the judicial apparatus of the prize-court. The rights of a captor were not complete till a naval tribunal of his own country had settled his claims to the ships or cargo of an enemy or neutral. By this device confiscation was divested of its likeness to plunder, and a thin veneer of legality was laid on the fundamental lawlessness of the whole system. Were it left to the wolves to decide on their rights to the captured sheep, the latter would have much the same chance of release as vessels in a prize-court of the captor. A prize-court has never yet been equally representative of either belligerent, or been so constituted as to be absolutely impartial between either.

But, even granted that a prize-court gave its verdicts with the strictest regard to the evidence, of what nature was that evidence likely to be when it came chiefly from the purser on board the privateer, whose duty it was to draw up a verbal process of the circumstances of every visit or capture, and who, as he was paid and nominated by the captain of the privateer, was dependent for his profits in the concern on the lawfulness of the prizes? How easy to represent that a defenseless merchant vessel had offered resistance to search, and that therefore by the law of nations she

[1] Hautefeuille, *Des Droits et Devoirs des Nations neutres*, ii. 349.

and her cargo were lawful prize! How tempting to falsify every circumstance that really attended the capture, or that legally affected the captors' right to their plunder!

These aspects of privateering soon led unbiased minds to a sounder judgment about it than was discernible in received opinion. Molloy, an English writer, spoke of it, as long ago as 1769, as follows: "It were well they (the privateers) were restrained by consent of all princes, since all good men account them but one remove from pirates, who, without any respect to the cause, or having any injury done them, or so much as hired for the service, spoil men and goods, making even a trade and calling of it."[1] Martens, the German publicist, at the end of the same century, called privateering a privileged piracy; but Nelson's opinion may fairly count for more than all; and of his opinion there remains no doubt whatever. In a letter dated August 7, 1804, he wrote: "If I had the least authority in controlling the privateers, whose conduct is so disgraceful to the British nation, I would instantly take their commissions from them." In the same letter he spoke of them as a horde of sanctioned robbers;[2] and on another occasion he wrote: "The conduct of all privateering is, as far as I have seen, so near piracy, that I only wonder any civilized nation can allow them. The lawful as well as the unlawful commerce of the neutral flag is subject to every violation and spoliation."[3] Yet it was for the sake of such spoliation, which England chose to

[1] *De Jure Maritimo*, i. 72. [2] *Despatches*, vi. 145.
[3] *Despatches*, vi. 79.

regard as her maritime right and to identify with her maritime supremacy, that, under the pretext of solicitude for the liberties of Europe, she fought her long war with France, and made herself the enemy in turn of nearly every other civilized power in the world.

The Declaration of Paris, the first article of which abolished privateering between the signatory powers, was signed by Lord Clarendon on behalf of England; but on the ground that it was not formally a treaty, never having been ratified by Parliament or the Crown, it has actually been several times proposed in the English Parliament to violate the honor of England by declaring that agreement null and void.[1] Lord Derby, in reference to such proposals, said in 1867: "We have given a pledge, not merely to the powers who signed with us, but to the whole civilized world." This was the language of real patriotism, which esteems a country's honor its highest interest; the other was the language of the plainest perfidy. In November, 1876, the Russian Government was also strongly urged, in the case of war with England, to issue letters of marque against British commerce, in spite of the international agreement to the contrary.[2] It is not likely that it would have done so; but these motions in different countries give vital interest to the history of privateering as one of the legitimate modes of waging war.

Moreover, since neither Spain, the United States nor Mexico signed the declaration of Paris, war with any of them would revive all the atrocities and disputes

[1] The last occasion was on April 13, 1875.

[2] Halleck, *International Law*, ii. 316.

that have embittered previous wars in which England has been engaged. The precedent of former treaties, such as that between Sweden and the United Provinces in 1675, the United States and Prussia in 1785, and the United States and Italy in 1871, by which either party agreed in the event of war not to employ privateers against the other, affords an obvious sample of what diplomacy might yet do to diminish the chances of war between the signatory and the non-signatory powers.

The United States would have signed the Declaration of Paris if it had exempted the merchant vessels of belligerents as well from public armed vessels as from privateers: and this must be looked to as the next conquest of law over lawlessness. Russia and several other powers were ready to accept the American amendment, which, having at first only fallen through owing to the opposition of England, was subsequently withdrawn by America herself. Nevertheless, that amendment remains the wish not only of the civilized world, but of our own merchants, whose carrying trade, the largest in the world, is, in the event of England becoming a belligerent, in danger of falling into the hands of neutral countries. In 1858 the merchants of Bremen drew up a formal protest against the right of ships of war to seize the property and ships of merchants.[1] In the war of 1866 Prussia, Italy and Austria agreed to forego this time-honored right of mutual plunder; and the Emperor of Germany endeavored to establish the same limitation in the war of 1870. The old maxim of war,

[1] Bluntschli, *Modernes Völkerrecht*, art. 665.

of which the custom is a survival, has long since been disproved by political economy—the doctrine, namely, that a loss to one country is a gain to another, or that one country profits by the exact extent of the injury that it effects against the property of its adversary. Having lost its basis in reason, it only remains to remove it from practice.

If we turn for a moment from this aspect of naval warfare to the actual conduct of hostilities at sea, the desire to obtain forcible possession of an enemy's vessels must clearly have had a beneficial effect in rendering the loss of life less extensive than it was in battles on land. To capture a ship, it was desirable, if possible, to disable without destroying it; so that the fire of each side was more generally directed against the masts and rigging than against the hull or lower parts of the vessel. In the case of the "Berwick," an English 74-gun ship, which struck her colors to the French frigate, the "Alceste," only four sailors were wounded, and the captain, whose head was taken off by a bar-shot, was the only person slain; and "so small a loss was attributed to the high firing of the French, who, making sure of the 'Berwick's' capture, and wanting such a ship entire in their fleet, were wise enough to do as little injury as possible to her hull." [1] The great battle between the English and Dutch fleets off Camperdown (1795) was exceptional both for the damage inflicted by both on the hulls of their adversaries, and consequently for the heavy loss of life on either side. "The appearance of the British ships at the close of the action was very unlike

[1] James, *Naval History*, i. 255.

what it generally is when the French or Spaniards have been the opponents of the former. Not a single mast nor even a top-mast was shot away; nor were the rigging and sails of the ships in their usual tattered state. It was at the hulls of their adversaries that the Dutchmen had directed their shot."[1] As the English naturally retaliated, though "as trophies the appearance of the Dutch prizes was gratifying," as ships of war "they were not the slightest acquisition to the navy of England."[2]

When this happened, as it could not but often do in pitched naval battles, the Government sometimes made good to the captors the value of the prizes that the serious nature of the conflict had caused them to lose. Thus in the case of the six French prizes made at the Battle of the Nile, only three of which ever reached Plymouth, the Government, "in order that the captors might not suffer for the prowess they had displayed in riddling the hulls of the captured ships, paid for each of the destroyed 74s, the 'Guerrier,' 'Heureux' and 'Mercure,' the sum of 20,000*l.*, which was as much as the least valuable of the remaining 74s had been valued at."

It is curious to notice distinctions in naval warfare between lawful and unlawful methods similar to those conspicuous on land. Such projectiles as bits of iron ore, pointed stones, nails or glass, are excluded from the list of things that may be used in *good war;* and the Declaration of St. Petersburg condemns explosive bullets as much on one element as on the other. Unfounded charges by one belligerent against another

[1] James, ii. 71. [2] *Ibid.* ii. 77.

are, however, always liable to bring the illicit method into actual use on both sides under the pretext of reprisals; as we see in the following order of the day, issued at Brest by the French Vice-Admiral Marshal Conflans (Nov. 8, 1759): "It is absolutely contrary to the law of nations to make bad war, and to shoot shells at the enemy, who must always be fought according to the rules of honor, with the arms generally employed by polite nations. Yet some captains have complained that the English have used such weapons against them. It is, therefore, only on these complaints, and with an extreme reluctance, that it has been resolved to embark hollow shells on vessels of the line, but it is expressly forbidden to use them unless the enemy begin."[1]

So the English in their turn charged the French with making bad war. The wound received by Nelson at Aboukir, on the forehead, was attributed to a piece of iron or a langridge shot.[2] And the wounds that the crew of the "Brunswick" received from the "Vengeur" in the famous battle between the French and English fleets in June, 1794, are said to have been peculiarly distressing, owing to the French employing langridge shot of raw ore and old nails, and to their throwing stinkpots into the portholes, which caused most painful burnings and scaldings.[3] It is safest to discredit such accusations altogether, for there is no limit to the barbarities that may come into play, in consequence of too ready a credulity.

[1] Ortolan, *Diplomatie de la Mer*, ii. 32.

[2] Campbell's *Admirals*, viii. 40.

[3] *Campbell*, vii. 21. *James*, i. 161. Stinkpots are jars or shells charged with powder, grenades, etc.

Red-hot shot, legitimate for the defense of land forts against ships, used not to be considered good war in the contests of ships with one another. In the three hours' action between the "Lively" and the "Tourterelle," a French privateer, the use by the latter of hot-shot, "not usually deemed honorable warfare," was considered to be wrong, but a wrong on the part of those who equipped her for sea more than on the part of the captain who fired them.[1] The English assailing batteries that fired red-hot shot against Glückstadt in 1813 are said to have resorted to "a mode of warfare very unusual with us since the siege of Gibraltar."[2]

The "Treatise on Tactics," by the Emperor Leo VI., carries back the record of the means employed against an enemy in naval warfare to the ninth century. The things he recommends as most effective are: cranes, to let fall heavy weights on the enemy's decks; caltrops, with iron spikes, to wound his feet;[3] jars full of quicklime, to suffocate him; jars containing combustibles, to burn him; jars containing poisonous reptiles, to bite him; and Greek fire with its noise like thunder, to frighten as well as burn him.[4] Many of these methods were of immemorial usage; for Scipio knew the merits of jars full of pitch, and Hannibal of jars full of vipers.[5] Nothing was too bad

[1] James, i. 283.

[2] Brenton, ii. 471.

[3] Caltrops, or crows'-feet, are bits of iron with four spikes, so arranged that however they fall one spike always remains upwards. Darius planted the ground with caltrops before Arbela.

[4] Chapter xix. of the *Tactica*.

[5] Frontinus, *Strategematicon*, iv. vii. 9, 10. "Amphoras pice et tæda plenas; . . . . . vascula viperis plena."

for use in those days; nor can it be ascertained when or why they ceased to be used. Greek fire was used with great effect in the sea-battles between the Saracens and Christians; and it is a fair cause for wonder that the invention of gunpowder should have so entirely superseded it as to cause its very manufacture to have been forgotten. Neither does history record the date of, nor the reason for, the disuse of quicklime, which in the famous fight off Dover in 1217 between the French and English contributed so greatly to the victory of the latter.[1]

It is difficult to believe that sentiments of humanity should have caused these methods to be discarded from maritime hostilities; but that such motives led to a certain mitigation in the use of fire-ships appears from a passage in Captain Brenton's "Naval History," where he says: "The use of fire-ships has long been laid aside, to the honor of the nation which first dispensed with this barbarous aggravation of the horrors of war." That is to say, as he explains it, though fire-ships continued to accompany the fleets, they were only used in an anchorage where there was a fair chance of the escape of the crew against which they were sent; they ceased to be used, as at one time, to burn or blow up disabled ships, which the conqueror dared not board and carry into port, and which were covered with the wounded and dying. The last instance in which they were so used by the English was in the fight off Toulon, in 1744; and

[1] Roger de Wendover, *Chronica*. "Calcem vivam, et in pulverem subtilem redactam, in altum projicientes, vento illam ferente, Francorum oculos excæcaverunt."

their use on that occasion is said to have received merited reproach from an historian of the day.[1]

As the service of a fire-ship was one that required the greatest bravery and coolness—since it was, of course, attacked in every possible way, and it was often difficult to escape by the boat chained behind it—it displays the extraordinary inconsistency of opinion about such matters that it should have been accounted rather a service of infamy than of honor. Molloy, in 1769, wrote of it as the practice of his day to put to death prisoners made from a fire-ship: "Generally the persons found in them are put to death if taken."[2] And another writer says: "Whether it be from a refined idea, or from the most determined resentment toward those who act in fire-ships, may be difficult to judge; but there is rarely any quarter given to such as fall into the enemy's power."[3]

Clock-machines, or torpedoes, were introduced into European warfare by the English, being intended to destroy Napoleon's ships at Boulogne in 1804. It is remarkable that the use of them was at first reprobated by Captain Brenton, and by Lord St. Vincent, who foresaw that other powers would in turn adopt the innovation.[4] The French, who picked up some of them near Boulogne, called them infernal machines. But at present they seem fairly established as part of good warfare, in default of any international agreement against them, such as that which exists against explosive bullets.

The same international act which abolished pri-

[1] Brenton, i. 635.
[2] *De Jure Maritimo*, i. 265.
[3] Rees's *Cyclopædia*, "Fire-ship."
[4] Brenton, ii. 493, 494.

vateering between the signatory powers settled also between them two other disputed points which for centuries were a frequent cause of war and jealousy —namely, the liability of the property of neutrals to be seized when found in the ships of an enemy, and of the property of an enemy to be seized when found in the ships of a neutral.

Over the abstract right of belligerents so to deal with the ships or property of neutral powers the publicists for long fought a battle-royal, contending either that a neutral ship should be regarded as neutral territory, or that an enemy's property was lawful prize anywhere. Whilst the French or Continental theory regarded the nationality of the vessel rather than of its cargo, so that the goods of a neutral might be fairly seized on an enemy's vessel, but those of an enemy were safe even in a neutral ship ; the English theory was diametrically the opposite, for the Admiralty restored a neutral's property taken on an enemy's vessel, but confiscated an enemy's goods if found on a neutral vessel. This difference between the English rule and that of other countries was a source of endless contention. Frederick II. of Prussia, in 1753, first resisted the English claim to seize hostile property sailing under a neutral flag. Then came against the same claim the first Armed Neutrality of 1780, headed by Russia, and again in 1801 the second armed coalition of the Northern powers. The difference of rule was, therefore, as such differences always must be, a source of real weakness to England, on account of the enemies it raised against her all over the world. Yet the Continental theory of free ships making free goods

was considered for generations to be so adverse to the real interests of England, that Lord Nelson, in 1801, characterized it in the House of Lords as "a proposition so monstrous in itself, so contrary to the law of nations, and so injurious to the maritime interests of England as to justify war with the advocates of such a doctrine, so long as a single man, a single shilling, or a single drop of blood remained in the country."[1] The Treaty of Paris has made binding the Continental rule, and in spite of Lord Nelson free ships now make free goods.

The fact, therefore, that if England were now at war with France she could not take French property (unless it were contraband) from a Russian or American ship, we owe not to the publicists who were divided about it, nor to naval opinion which was decided against it, but to the accidental alliance between France and England in the Crimean war. In order to co-operate together, each waived its old claim, according to which France would have been free to seize property of a neutral found on Russian vessels, and England to seize Russian property on the vessels of a neutral. As the United States and other neutral powers as well would probably have resisted by arms the claim of either so to interfere with their neutrality, the mutual concession was one of common prudence; and as the same oppression would have been perennial, it was no great sacrifice on the part of either to perpetuate and extend by a treaty at the close of the war the agreement that at first was only to last for its continuance.

[1] Halleck, ii. 317.

Much, however, as that treaty has done for the peace of the world, by assimilating in these respects the maritime law of nations, it has left many customs unchanged to challenge still the attention of reformers. It is therefore of some practical interest to consider of what nature future changes should be, inasmuch as, if we can not agree to cease from fighting altogether, the next best thing we can do is to reduce the pretexts for it to as few as possible.

The reservation, then, in favor of confiscating property that is contraband of war, has left the right of visiting and searching neutral or hostile merchantmen for contraband untouched; though nothing has been a more fruitful source of quarrel than the want of a common definition of what constitutes contraband. Any thing which, without further manipulation, adds directly to an enemy's power, as weapons of war, is contraband by universal admission; but whether corn and provisions are, as some text-writers assert and others deny; whether coined money, horses or saddles are, as was decided in 1863 between the Northern powers of Europe; whether tar and pitch for ships are, as was disputed between England and Sweden for 200 years; whether coal should be, as Prince Bismarck claimed against England in 1870; or whether rice is a war-threatening point of difference between England and France in this very year of grace; these are questions that remain absolutely undecided, or are left to the treaties between the several powers or the arbitrary caprice of belligerents.

The Declaration of Paris was equally silent as to the right (demanded by all the powers save England)

for ships of war, which have always been exempt from search, to exempt from search also the merchant vessels sailing under their convoy. So fundamental a divergence between the maritime usages of different countries can only be sustained under the peril of incurring hostility and war, without any corresponding advantage in compensation.

The Declaration of Paris has also left untouched the old usage of embargoes. A nation wronged by another may still seize the vessels of that other which may be in its ports, in order to secure attention to its claims; restoring them in the event of a peaceable settlement, but confiscating them if war ensues. The resemblance of this practice of hostile embargo to robbery, "occurring as it does in the midst of peace . . . ought," says an American jurist, "to make it disgraceful and drive it into disuse."[1] It would be as reasonable to seize the persons and property of all the merchants resident in the country, as used to be done by France and England. In 1795, Holland, having been conquered by France, became thereby an enemy of England. Accordingly, "orders were issued to seize all Dutch vessels in British ports;" in virtue of which, several gun-ships and between fifty and sixty merchant vessels in Plymouth Sound were detained by the port admiral.[2] It is difficult to conceive any thing less defensible as a practice between civilized States.

It equally descends from the barbarous origin of maritime law that all ships of an enemy wrecked on our coast, or forced to take refuge in our harbors by stress of weather or want of provisions, or in ignorance

[1] Woolsey, *International Law*, 187. [2] James, i. 277.

of the existence of hostilities, should become ours by right of war. There are generous instances to the contrary. The Spanish Governor of Havana in 1746, when an English vessel was driven into that hostile port by stress of weather, refused to seize the vessel and take the captain prisoner; and so did another Spanish governor in the case of an English vessel whose captain was ignorant that Honduras was hostile territory. But these cases are the exception; the rule being, that a hostile power avails itself of a captain's ignorance or distress to make him a prisoner and his ship a prize of war; another proof, if further needed, how very little magnanimity really enters into the conduct of hostilities.

It is a still further abuse of the rights of war that a belligerent State may do what it pleases, not only with all the vessels of its own subjects, but with all those of neutrals as well which happen to be within its jurisdiction at the beginning of a war; that it may, on paying the owners the value of their freight beforehand, confiscate such vessels and compel them to serve in the transport of its troops or its munitions of war. Yet this is the so-called *jus angariæ*, to which Prince Bismarck appealed when in the war with France the Germans sank some British vessels at the mouth of the Seine.[1] It is true we received liberal compensation, but the right is none the less one which all the Powers are interested in abolishing.

If, then, from the preceding retrospect it appears that whatever advance we have made on the maritime usages of our ancestors has been due solely to inter-

[1] Phillimore, *International Law*, iii. 50–52.

national agreement, and to a friendly concert between the chief Powers of the world, acting with a view to their permanent and collective interests, the inference is evidently in favor of any further advance being only possible in the same way. The renunciations of each Power redound to the benefit of each and all; nor can the gain of the world involve any real loss for the several nations that compose it. We shall therefore, perhaps, not err far from the truth, if we imagine the following articles, in complement of those formulated in Paris in 1856, to constitute the International Marine Code which will be found in the future to be most calculated to remove sources of contention between nations, and best adapted, therefore, to the permanent interests of the contracting parties:

1. Privateering is and remains abolished.
2. The merchant vessels and cargoes of belligerents shall be exempted from seizure and confiscation.
3. The colonies of either belligerent shall be excluded from the field of legitimate hostilities, and the neutrality of their territory shall extend to their ships and commerce.
4. The right of visiting and searching neutral or hostile merchantmen for contraband of war shall be abolished.
5. Contraband of war shall be defined by international agreement; and to deal in such contraband shall be made a breach of the civil law, prohibited and punished by each State as a violation of its proclamation of neutrality.

6. Except in the case of contraband as aforesaid, all trade shall be lawful between the subjects of either belligerent, since individuals are no more involved in the quarrel between their respective governments at sea than they are on land.
7. The only limitation to commerce shall be so effective a blockade of an enemy's ports as shall render it impossible for ships to enter or leave them; and the mere notification that a port is blockaded shall not justify the seizure of ships that have sailed from or are sailing to them in any part of the world.
8. The right to lay hostile embargoes on the ships of a friendly Power by reason of a dispute arising between them shall be abolished.
9. The right to confiscate or destroy the ships of a friendly Power for the service of a belligerent State, the *jus angariæ*, shall be abolished.

What, then, would remain for the naval forces of maritime powers to do? Every thing, it may be replied, which constitutes legitimate warfare, and conforms to the elementary conception of a state of hostility; the blockading of hostile ports, and all the play of attack and defense that may be imagined between belligerent navies. Whatsoever is more than this—the plunder of an enemy's commerce, embargoes on his ships, the search of neutral vessels—not only cometh of piracy, as has been shown, but is in fact piracy itself, without any necessary connection with the conduct of legitimate hostilities.

CHAPTER IV.

MILITARY REPRISALS.

Si quis clamet iniquum non dare pœnas qui peccavit, respondeo multo esse iniquius tot innocentium millia citra meritum in extremam vocari calamitatem.—ERASMUS.

International law on legitimate reprisals—The Brussels Conference on the subject—Illustrations of barbarous reprisals—Instances of non-retaliation—Savage reprisals in days of chivalry—Hanging the commonest reprisal for a brave defense, as illustrated by the warfare of the fifteenth century—Survival of the custom to our own times—The massacre of a conquered garrison still a law of war—The shelling of Strasburg by the Germans—Brutal warfare of Alexander the Great—The connection between bravery and cruelty—The abolition of slavery in its effects on war—The storming of Magdeburg, Brescia, and Rome—Cicero on Roman warfare—The reprisals of the Germans in France in 1870—Their revival of the custom of taking hostages—Their resort to robbery as a plea of reprisals—General Von Moltke on perpetual peace—The moral responsibility of the military profession—The Press as a potent cause of war—Plea for the abolition of demands for unconditional surrender, such as led to the bombardment of Alexandria in 1882.

ON no subject connected with the operations of war has international law come as yet to lamer conclusions than concerning Military Reprisals, or the revenge that may be fairly exacted by one belligerent from the other for violation of the canons of honorable warfare.

General Halleck, for instance, whilst as against an

enemy who puts in force the extreme rights of war he justifies a belligerent in following suit, denies the right of the latter to do so against an enemy who passes all bounds and conducts war in a downright savage fashion. Whilst therefore, according to him, the law of retaliation would never justify such acts as the massacre of prisoners, the use of poison, or promiscuous slaughter, he would consider as legitimate reprisals acts like the sequestration by Denmark of debts due from Danish to British subjects in retaliation for the confiscation by England of the Danish fleet in 1807, or Napoleon's seizure of all English travelers in France in retaliation for England's seizure and condemnation of French vessels in 1803.[1] And a French writer, in the same spirit, denies that the French Government would have been justified in retaliating on Russia, when the Czar had his French prisoners of war consigned to the mines of Siberia.[2]

The distinction is clearly untenable on any rational theory of the laws of retributive justice. You may retaliate for the lesser, but not for the greater injury! You may check resort to infamous hostilities by the threat of reprisals, but must fold your hands and submit, if your enemy becomes utterly barbarous! You may restrain him from burning your crops by burning his, but must be content to go without redress if he slays your wives and children!

How difficult the question really is appears from the attempt made to settle it at the Brussels Conference of 1874, when the following clauses formed part

[1] *International law*, ii. 95.

[2] *Villiaumê, L'Esprit de la Guerre*, 56.

of the original Russian project submitted to the consideration of that meeting:

Section IV. 69. "Reprisals are admissible in extreme cases only, due regard being paid as far as possible to the laws of humanity when it shall have been unquestionably proved that the laws and customs of war have been violated by the enemy, and that they have had recourse to measures condemned by the law of nations."

70. "The selection of the means and extent of the reprisals should be proportionate to the degree of the infraction of the law committed by the enemy. Reprisals that are disproportionately severe are contrary to the rules of international law."

71. "Reprisals should be allowed only on the authority of the commander-in-chief, who shall likewise determine the degree of their severity and their duration."

The delicacy of dealing with such a subject, when the memories of the Franco-German war were still fresh and green, led ultimately to a unanimous agreement to suppress these clauses altogether, and to leave the matter, as the Belgian deputy expressed it, in the domain of unwritten law till the progress of science and civilization should bring about a completely satisfactory solution. Nevertheless, the majority of men will be inclined, in reference to this resolution, to say with the Russian Baron Jomini, the skillful President of that Military Council: "I regret that the uncertainty of silence is to prevail with respect to one of the most bitter necessities of war. If the practice could be suppressed by this reticence, I could

not but approve of this course; but if it is still to exist among the necessities of war, this reticence and this obscurity may, it is to be feared, remove any limits to its existence."

The necessity of some regulation of reprisals, such as that contained in the clauses suggested at Brussels, is no less attested by the events of the war of 1870 than by the customs in this respect which have at all times prevailed, and which, as earlier in time, form a fitting introduction to those later occurrences.

That the fear of reprisals should act as a certain check upon the character of hostilities is too obvious a consideration not to have always served as a wholesome restraint upon military license. When, for instance, Philip II. of Spain in his war with the Netherlands ordered that no prisoners of war should be released or exchanged, nor any contributions be accepted as an immunity from confiscation, the threat of retaliation led to the withdrawal of his iniquitous proclamation. Nor would other similar instances be far to seek.

Nevertheless, it is evident that, as seldom as war itself is prevented by consideration of the forces in opposition, will its peculiar excesses, which constitute its details, be restrained by the fear of retaliatory measures; and inasmuch as the primary offense is more often the creation of rumor than a proved fact, the usual result of reprisals is, not that one belligerent amends its ways, but that both belligerents become more savage and enter on a fatal career of competitive atrocities. In the wars of the fifteenth century between the Turks and Venetians, "Sultan Mahomet

would not suffer his soldiers to give quarter, but allowed them a ducat for every head, and the Venetians did the same."[1] When the Duke of Alva was in the Netherlands, the Spaniards, at the siege of Haarlem, threw the heads of two Dutch officers over the walls. The Dutch in return beheaded twelve Spanish prisoners, and sent their heads into the Spanish trenches. The Spaniards in revenge hung a number of prisoners in sight of the besieged; and the latter in return killed more prisoners; and so it went on during all the time that Alva was in the country, without the least improvement resulting from such sanguinary reprisals.[2] At the siege of Malta, the Grand Master, in revenge for some horrible Turkish barbarities, massacred all his prisoners and shot their heads from his cannon into the Turkish camp.[3] In one of the wars of Louis XIV., the Imperialist forces having put to death a French lieutenant and thirty troopers a few hours after having promised them quarter, Feuquières, for reprisals, slew the whole garrison of two towns that he won by surprise, though the number so slain in each instance amounted to 650 men (1689).[4]

To all these cases the question asked by Vattel very pertinently applies: "What right have you to cut off the nose and ears of the ambassador of a barbarian who has treated your ambassador in that manner?" The question is not an easy one to answer, for we have no more right in war than in civil life to punish the innocent for the guilty apart from the

[1] De Commines, viii. 8.
[2] Watson's *Philip II.*, ii. 74.
[3] *Ibid.* i. 213.
[4] *Memoirs*, c. 19.

ordinary accidents of hostilities, even if otherwise we must dispense with redress altogether. To do so by intention and in cold blood is ferocious, whatever the pretext of justification, and is never worth the passing gratification it affords. The citizens of Ghent, in their famous war with the Earl of Flanders, not only destroyed his house, but the silver cradle and bathing tub he had used as a child and the very font in which he had been baptized; but such reprisals are soon regretted, and read very pitiably in the eyes of the after-world.

It is pleasanter to record some instances where abstinence from reprisals has not been without its reward. It is said that Cæsar, in Iberia, when, in spite of a truce, the enemy killed many of his men, instead of retaliating, released some of his prisoners and thereby brought the foe to regard him with favor. We read in Froissart that the Lisboners refrained from retaliating on the Castilians when the latter mutilated their Portuguese prisoners; and the English Government acted nobly when it refused to reciprocate the decree of the French Convention (though that also was meant as a measure of reprisals) that no English or Hanoverian prisoner should be allowed any quarter.[1] But the best story of this kind is that

[1] Villiaumé (*L'Esprit de la Guerre*, 71) gives the following version: "En 1793 et en 1794, le gouvernement anglais ayant violé le droit des gens contre la République Française, la Convention, dans un accès de brutale colère, décréta qu'il ne serait plus fait aucun prisonnier anglais ou hanovrien, c'est-à-dire que les vaincus seraient mis à mort, encore qu'ils se rendissent. Mais ce décret fut simplement comminatoire; le Comité de Salut Public, sachant très-bien que de misérables soldats n'étaient point coupables, donna l'ordre secret de faire grâce à tous les vaincus."

told by Herodotus of Xerxes the Persian. The Spartans had thrown into a well the Persian envoys who had come to demand of them earth and water. In remorse they sent two of their nobles to Xerxes to be killed in atonement; but Xerxes, when he heard the purport of their visit, answered them that he would not act like the Spartans, who by killing his heralds had broken the laws that were regarded as sacred by all mankind, and that, of such conduct as he blamed in them, he would never be guilty himself.[1]

But the most curious feature in the history of reprisals is the fact that they were once regarded as justly exacted for the mere offense of hostile opposition or self-defense. Grotius states that it was the almost constant practice of the Romans to kill the leaders of an enemy, whether they had surrendered or been captured, on the day of triumph. Jugurtha indeed was put to death in prison; but the more usual practice appears to have been to keep conquered potentates in custody, after they had been led in triumph before the consul's chariot. This was the fate of Perseus, king of Macedonia, who was also allowed to retain his attendants, money, plate, and furniture;[2] of Gentius, king of Illyria;[3] of Bituitus, king of the Arvernians. Prisoners of less distinction were sold as slaves, or kept in custody till their friends paid their ransom.

But in the medieval history of Europe, in the so-called times of chivalry, a far worse spirit prevailed

[1] Herodotus, vii. 136.

[2] Livy, xlv. 42.

[3] *Ibid.* xlv. 43.

with regard to the treatment of captives. Godfrey of Bouillon, one of the brightest memories of chivalry, was responsible for the promiscuous slaughter of three days which the Crusaders exacted for the six weeks' siege which it had cost them to take Jerusalem (1099). The Emperor Barbarossa had 1,190 Swabian prisoners delivered to the executioner at Milan, or shot from military engines.[1] Charles of Anjou reserved many prisoners, taken at the battle of Beneventum, to be killed as criminals on his entrance into Naples. When the French took the castle of Pesquière from the Venetians by storm, they slew all but three who surrendered to the pleasure of the king; and Louis XII., who counted for a humane monarch, though his victims offered 100,000 ducats for their lives, swore that he would neither eat nor drink till they were hanged (1509).[2]

The indignation of the Roman Senate on one occasion with a consul who had sold as slaves 10,000 Ligurian prisoners, though they had surrendered at discretion,[3] was a sentiment that never affected the warriors of medieval Christendom. A surrender at discretion ceased to constitute a claim for mercy. Where the pagan held it wrong to enslave, the Christian never hesitated to kill. Froissart's story of the six citizens of Calais, whom Edward III. was with difficulty restrained from hanging for the obstinate siege which their town had resisted, throws a light over the war customs of that time, which other incidents of history abundantly confirm. The record

[1] Ward, *Law of Nations*, i. 250. [2] Petitot's *Mémoires*, xvi. 177.
[3] Livy, xlii. 8, 9.

of the capitulations of cities or garrisons is no pleasant one, but it is a record which must be touched upon, in order that war and its still prevalent maxims may be judged at their proper value. We need scarcely travel further than the fifteenth century alone in search of facts to place in its proper light this aspect of martial atrocities.

When the town of Rouen surrendered to Henry V. of England, the latter stipulated for three of the citizens to be left to his disposal, of whom two purchased their lives, and the third was beheaded (1419).[1] When the same king the year following was besieging the castle of Montereau, he sent some twenty prisoners to treat with the governor for a surrender; but when the governor refused to treat, even to save their lives, and when, after a fearful leave-taking with their wives and relatives, they had been escorted back to the English army, "the King of England ordered a gallows to be erected and had them all hanged in sight of those within the castle."[2] When the English took the castle of Rougemont by storm, and some sixty of its defenders alive, with the loss of only one Englishman, Henry V., in revenge for his death, caused all the prisoners to be drowned in the Loire.[3] When Meaux surrendered to the same king, it was stipulated that six of its bravest defenders should be delivered up to *justice*, four of whom were beheaded at Paris, and its commander at once hung to a tree outside the walls of the city (1422).[4]

[1] Monstrelet, *Chronicles*, i. 200.
[2] *Ibid.* i. 224.
[3] *Ibid.* i. 249.
[4] *Ibid.* i. 259.

Not that there was any special cruelty in the English mode of warfare. They simply conformed to the customs of the time, as we may see by reference to the French and Burgundian wars into which they allowed themselves to be drawn. In 1434, the garrison of Chaumont "was soon so hardly pressed that it surrendered at discretion to the Duke of Burgundy (Philip the Good), who had upwards of 100 of them hanged;" and as with the townsmen, so with those in the castle.[1] Burnonville, who commanded Soissons for the Duke of Burgundy, and whom Monstrelet calls "the flower of the warriors of all France," was beheaded at Paris, after the capture of the town, by order of the king and council, and his body hung to a gibbet, like a common malefactor's (1414).[2] When Dinant was taken by storm by the Burgundians, the prisoners, about 800, were drowned before Bovines (1466).[3] When the town of Saint-frou surrendered to the Duke of Burgundy, ten men, left to the disposal of that warrior, were beheaded; and so it fared also with the town of Tongres (1467).[4] After the storming and slaughter at Liège, before the Duke of Burgundy (Charles the Bold) left the city, "a great number of those poor creatures who had hid themselves in the houses when the town was taken and were afterwards made prisoners, were hanged (1468).[5] At Nesle, most of those who were taken alive were hung, and some had their hands cut off

[1] Monstrelet, ii. 156.
[2] *Ibid.* 120.
[3] Philip de Commines, ii. 1.
[4] *Ibid.* ii. 2.
[5] *Ibid.* ii. 14.

(1472).[1] After the battle of Granson, the Swiss retook two castles from the French, and hung all the Burgundians they found in them. They then retook the town and castle of Granson, and ordered 512 Germans whom the Burgundians had hung to be cut down, and as many of the Burgundians as were still in Granson to be suspended on the same halters (1476). In the skirmishes that occurred in a time of truce on the frontiers of Picardy, between the French king's forces and those of the Duke of Austria, "all the prisoners that were taken on both sides were immediately hanged, without permitting any, of what degree or rank soever, to be ransomed" (1481). And as a climax to these facts, let us recall the decree of the Duke of Anjou, who, when Montpellier was taken by siege, condemned 600 prisoners to be put to death, 200 by the sword, 200 by the halter, and 200 by fire, and who, but for the remonstrances of a cardinal and a friar, would undoubtedly have executed his sentence.

Ghastly facts enough these! and a strange insight they afford us into the real character of a profession which, in the days when these things were its commonest occurrences, was held to be the noblest of all, but of which it is only too patent that its mainsprings were simply the brigand's love of plunder and of bloodshed. One story may be quoted to show that in this respect the sixteenth century was no improvement on the fifteenth. In the war between the Dutch and the Spaniards, the captain of Weerd Castle, having previously refused to surrender to Sir Francis de Vere,

[1] Philip de Commines, iii. 9.

begged at last for a capitulation with the honors of war; Vere's answer was, that the honors of war were halters for a garrison that had dared to defend such a hovel against artillery. The commandant was killed first, and the remaining 26 men, having been made to draw black and white straws, the 12 men who drew the white straws were hanged, the thirteenth only escaping by consenting to act as executioner of the rest![1]

It is clear, therefore, that in the wars of the past the ax and the halter have played as conspicuous a part as the sword or the lance; a fact to which its due prominence has not always been given in the standard histories of military antiquities. It is surprising to find how close to the glories of war lie the sickening vulgarities of murder.

To the Duke of Somerset, the regent of England for Edward VI., appears to be due the credit of instituting a milder treatment of a besieged but surrendered garrison than had been previously customary. For De Thou, the historian, speaks of the admiration the Duke received for sparing the lives of a Scotch garrison, contrary to that "ancient maxim in war which declares that a weak garrison forfeits all claim to mercy on the part of the conquerors, when, with more courage than prudence, they obstinately persevere in defending an ill-fortified place against the royal army," or refuse reasonable conditions.

But the ancient maxim lasted, in spite of this better example, throughout the seventeenth and till late into the eighteenth century, for we find Vattel even

[1] Motley's *United Netherlands*, iii. 323.

then thus protesting against it: "How could it be conceived in an enlightened age that it was lawful to punish with death a governor who had defended his town to the last extremity, or who in a weak place had the courage to hold out against a royal army? In the last century this notion still prevailed; it was looked upon as one of the laws of war, and is not even at present totally exploded. What an idea! to punish a brave man for having performed his duty."[1]

But not even yet is the notion definitely expunged from the unwritten code of martial etiquette. The original Russian project, submitted to the Brussels Conference, proposed to exclude, among other illicit means of war, "the threat of extermination toward a garrison that obstinately holds a fortress." The proposal was unanimously rejected, and that clause was carefully excluded from the published modified text! But as the execution of a threat is morally of the same value as the threat itself, it is evident that the massacre of a brave but conquered garrison still holds its place among the laws of Christian warfare!

This peculiar and most sanguinary law of reprisals has always been defended by the common military sophism, that it shortens the horrors of war. The threat of capital punishment against the governor or defenders of a town should naturally dispose them to make a conditional surrender, and so spare both sides the miseries of a siege. But arguments in defense of atrocities, on the ground of their shortening a war, and coming from military quarters, must be viewed

[1] Vattel, iii. 8, 143.

with the greatest suspicion, and, inasmuch as they provoke reprisals and so intensify passion, with the greatest distrust. It was to such an argument that the Germans resorted in defense of their shelling the town of Strasburg, in order to intimidate the inhabitants and drive them to force General Uhrich to a surrender. "The abbreviation," said a German writer, "of the period of actual fighting and of the war itself is an act of humanity towards both parties;"[1] although the savage act failed in its purpose and General Werder had to fall back, after his gratuitous destruction of life and property, on the slower process of a regular siege. If their tendency to shorten a war be the final justification of military proceedings, the ground begins to slip from under us against the use of aconitine or of clothes infected with the small-pox. Therefore such a pretext should meet with prompt condemnation, notwithstanding the efforts of the modern military school to render it popular upon the earth.

In respect, therefore, to this law of reprisals, the comparison is not to the credit of modern times as compared with the pagan era. A surrender, which in Greek and Roman warfare involved as a rule personal security, came in Christianized Europe to involve capital punishment out of motives of pure vindictiveness. The chivalry so often associated with the battle-field as at least a redeeming feature fades on closer inspection into the veriest fiction of romance. Bravery under any form has been the constant pretext for capital reprisals. Edward I. had William Wallace, the brave Scotch leader, exe-

[1] Borbstaedt, *Franco-German War* (translation), 662.

cuted on Tower Hill; and it has been observed by one writer, as the facts already quoted prove, that the custom of thus killing defeated generals "may be traced through a series of years so connected and extensive that we are not able to point out the exact time when it ceased." [1]

A characteristic incident of this sort is connected with the famous pacification of Guienne by Montluc in 1562. Montluc had won Montsegur by storm, and its commander had been taken alive. The latter was a man of notorious valor, and in a previous campaign had been Montluc's fellow-soldier and friend. For that reason many interceded for his life, but Montluc decided to hang him, and simply on account of his valor. "I well knew his courage," he says, "which made me hang him. . . . I knew him to be valiant, but that made me the rather put him to death." What of your chivalry after that?

But Alexander the Great, whose career has been the ideal of all succeeding aspirants to military fame, dealt even more severely than Montluc with Betis, the gallant defender of Gaza. When Gaza was at last taken by storm, Betis, after fighting heroically, had the misfortune to be taken alive and to be brought into the presence of the conqueror. Alexander addressed him thus: "You shall not die, Betis, in the manner you wished; but make up your mind to suffer whatever torture can be thought of against a prisoner;" and when Betis for all answer returned him but the silence of disdain, Alexander had thongs fixed to his ankles, and, himself acting as charioteer, drove

[1] Ward, i 223.

his yet living victim round the city, attached to his chariot wheels; priding himself that by such conduct he rivaled Achilles' treatment of Hector.[1]

A valiant resistance was with Alexander always a sufficient motive for the most sanguinary reprisals. Arimages, who defended a fortified rock in Sogdia, thought his position so strong that when summoned to surrender, he asked tauntingly whether Alexander could fly; and for this offense, when, unable to hold out any longer, Arimages and his relations descended to Alexander's camp to beg for quarter, Alexander had them first of all flogged and then crucified at the foot of the rock they had so bravely defended.[2] After the long siege of Tyre, Alexander had 2,000 Tyrians, over and above the 6,000 who fell during the storming of that city, nailed to crosses along the shore,[3] perhaps in reprisal for a violation of the laws of war—for Quintus Curtius declares that the Tyrians had murdered some Macedonian ambassadors, and Arrian, who makes no mention of the crucifixion, declares that they slew some Macedonian prisoners and threw them from their walls—but more probably (since there were evidently different stories of the Tyrians' offense) on account simply of the obstinate resistance they had offered to Alexander's attack.

The Macedonian conqueror regarded his whole expedition against Persia as an act of reprisals for the invasion of Greece by Xerxes, 150 years before his own time. When he set fire to the Persian capital and palace, Persepolis, he justified himself against

[1] Quintus Curtius, iv. 6, and Grote, viii. 368.
[2] Quintus Curtius, vii. 11. [3] *Ibid.* iv. 15.

Parmenio's remonstrances on the ground that it was in revenge for the destruction of the temples in Greece during the Persian invasion;[1] and this motive was constantly present with him, in justification both of the war itself and of particular atrocities connected with it. In the course of his expedition, he came to a city of the Branchidæ, whose ancestors at Miletus had betrayed the treasures of a temple in their charge to Xerxes, and had by him been removed from Miletus to Asia. As Greeks they met Alexander's army with joy, and at once surrendered their city to him. The next day, after reflection given to the matter, Alexander had every single inhabitant of the city slain, in spite of their powerlessness, in spite of their supplications, in spite of their community of language and origin. He even had the walls of the city dug up from their foundation, and the trees of their sacred groves uprooted, that not a trace of their city might remain.[2]

Nor can doubt be thrown on these deeds by the fact that they are only mentioned by Quintus Curtius and not by Arrian. The silence of the one is no proof of the falsity or credulity of the other. Both writers lived many centuries after Alexander, and were dependent for their knowledge on the writings, then extant but long since lost, of contemporaries and eye-witnesses of the expedition to Asia. That those witnesses often gave conflicting accounts of the same event we have the assurance of either writer; but since it is impossible to determine the degree of discretion with which each made his selections from

[1] Arrian, iii. 18. [2] Quintus Curtius, vii. 5.

the original authorities, it is only reasonable to regard them both as of the same and equal validity. Seneca, who lived before Arrian and who therefore was equally conversant with the original authorities, hardly ever mentions Alexander without expressions of the strongest reprobation.

Cruelty, in fact, is revealed to us by history as the most conspicuous trait in the character of Alexander, though not in his case nor in others inconsistent with occasional acts of magnanimity and the gleams of a higher nature. This cruelty, however, taken in connection with his undoubted bravery, calls in question the truth of a remark made by Philip de Commines, and supported, he affirmed, by all historians, that no cruel man is ever courageous. The popular theory, that inhumanity is more likely to be the concomitant of a timid than of a daring nature, ignores altogether the teaching of history and the conclusions of *à priori* reasoning. For if our regard for the sufferings of others is proportioned to our regard for our own sufferings, inasmuch as our self-love is the foundation and measure of our powers of sympathy, a man's disregard for the sufferings of others—in other words his cruelty—is likely to be the exact reflection of his disregard for suffering in his own person, or, in other words, of his physical courage. Men, moreover, like Cicero, of whom it was said by Livy that he was better calculated for any thing than for war, by their very incapacity for positions where their humanity is likely to be tested, are rarely exposed to those temptations of cruelty in which men of a more daring temperament naturally find themselves placed.

And accordingly we find, by reference to instances which lie on the surface of history, that great bravery and great cruelty have more often been united than separate. In French history there is the cruelty of Charles the Bold, Duke of Burgundy; of Montluc and Des Adretz, the latter of whom made 30 soldiers and their captain leap from the precipice of a strong place they had defended, and of both of whom Brantôme remarks that they were very brave but very cruel.[1] In Scotch history, it was David I. who, though famed for his courage and humanity, suffered the sick and aged to be slain in their beds, even infants to be killed and priests murdered at the very altars.[2] In English history, it was Richard Cœur-de-Lion who had 5,000 Saracen prisoners led out to a large plain to be massacred (1191).[3] In Jewish history, it was King David who, when he took Rabbah of the Ammonites, "brought forth the people that were therein and put them under saws and harrows of iron and under axes of iron, and made them pass through the brick kiln; and thus did he unto all the cities of the children of Ammon."[4] It is not therefore more probable that a man famed for his intrepidity will not lend himself to counsels or actions of cruelty than that another deficient in personal courage will not be humane.

And here one cause is deserving of attention as helping to explain the greater barbarity practiced by the modern nations in the matter of reprisals, than that which was permitted by the code of honor which

[1] "Tous deux furent très braves, très vaillants, fort bizarres et cruels."
[2] Lyttleton, *Henry II.*, i. 183. [3] Hoveden, 697.
[4] 2 Samuel xii. 31.

acted in restraint of them in the better periods of pagan antiquity; and that is the change that has occurred with regard to slavery.

The abolition of slavery, which in Western Europe has been the greatest achievement of modern civilization, did not unfortunately tend to greater mildness in the customs of war. For in ancient times the sale of prisoners as slaves operated to restrain that indiscriminate and objectless slaughter which has been, even to cases within this century, the marked feature of the battle-field, and more especially where cities or places have been taken by storm. Avarice ceased to operate, as it once did, in favor of humanity. In one day the population of Magdeburg, taken by storm, was reduced from 25,000 to 2,700; and an English eye-witness of that event thus described it: "Of 25,000, some said 30,000 people, there was not a soul to be seen alive, till the flames drove those that were hid in vaults and secret places to seek death in the streets rather than perish in the fire; of these miserable creatures some were killed too by the furious soldiers, but at last they saved the lives of such as came out of their cellars and holes, and so about 2,000 poor desperate creatures were left." [1] "There was little shooting, the execution was all cutting of throats and mere house murders. . . . We could see the poor people in crowds driven down the streets, flying from the fury of the soldiers, who followed, butchering them as fast as they could, and refused mercy to any body; till, driving them down to the river's edge, the desperate wretches

[1] *Memoirs of a Cavalier*, i. 47.

would throw themselves into the river, where thousands of them perished, especially women and children."[1]

It is difficult to read this graphic description of a stormed city without the suspicion arising in the mind that a sheer thirst for blood and love of murder is a much more potent sustainer of war than it is usual or agreeable to believe. The narratives of most victories and of taken cities support this theory. At Brescia, for instance, taken by the French from the Venetians in 1512, it is said that 20,000 of the latter fell to only 50 of the former.[2] When Rome was sacked in 1527 by the Imperialist forces, we are told that "the soldiery threw themselves upon the unhappy multitude, and, without distinction of age or sex, massacred all who came in their way. Strangers were spared as little as Romans, for the murderers fired indiscriminately at every one, from a mere thirst of blood."[3]

But this thirst of blood was checked in the days of slavery by the counteracting thirst of money; there having been an obvious motive for giving quarter when a prisoner of war represented something of tangible value, like any other article of booty. The sack of Thebes by Alexander, and its demolition to the sound of the lute, was bad enough; but after the first rage for slaughter was over, there remained 30,000 persons of free birth to be sold as slaves. And in Roman warfare the rule was to sell as slaves those who were taken prisoners in a stormed city;

[1] *Memoirs of a Cavalier*, 49.

[2] "Life of Bayard" in Petitot's *Mémoires*, xvi. 9.

[3] Major-General Mitchell's *Biographies of Eminent Soldiers*, 92.

and it must be remembered that many so sold were slaves already.[1] All who were unarmed or who laid down their arms were spared from destruction, as well as from plunder;[2] and for exceptions to this rule, as for instance for the indiscriminate and cruel massacre committed at Illiturji in Spain, there was always at least the pretext of reprisals, or some special military motive.[3]

Cicero, who lived to see the Roman arms triumphant over the world and the conversion of the Roman republic into a military despotism, found occasion to deplore at the same time the debased standard of military honor. He believed that in cruel vindictiveness and rapacity his contemporaries had degenerated from the customs of their ancestors, and he contrasted regretfully the utter destruction of Carthage, Numantia and Corinth, with the milder treatment of their earlier enemies, the Sabines, Tusculans and others. He adduced as a proof of the greater ferocity of the war spirit of his day, the fact that the only term for an enemy was originally the milder term of stranger, and that it was only by degrees that the word meaning stranger came to have the connotation of hostility. "What," he asks, "could have been added to this mildness, to call him with whom you are at war by so gentle a name as stranger? But now the progress of time has given a harder signification to the word; for

[1] Livy, xxxi. 40. When Pelium was taken by storm, only the slaves were taken as spoil; the freemen were even let off without ransom.

[2] *Ibid.* xxviii. 3.

[3] *Ibid.* xxviii. 20, xxvii. 16, xxxi. 27.

it has ceased to apply to a stranger, and has remained the proper term for an actual enemy in arms."[1]

Is a similar process taking place in modern warfare with regard to the law of reprisals? It is a long leap from ancient Rome to modern Germany; but to Germany, as the chief military power now in existence, we must turn, in order to understand the law of reprisals as it is interpreted by the practice of a country whose power and example will make her actions precedents in all wars that may occur in future.

The worst feature in reprisals is that they are indiscriminate and more often directed against the innocent than the guilty. To murder women and children, old men, or any one else, on the ground of their connection with an enemy who has committed an action calling for retribution, can be justified by no theory that would not equally apply to a similar parody of justice in civil life. It is a return to the theory and practices of savages, who, if they can not revenge themselves on a culprit, revenge themselves complacently on some one else. For bodies of peasants to resist a foreign invader by forming ambuscades or making surprises against him, though his advance is marked by fire and pillage and outrage, may be contrary to the laws of war (though that point has never been agreed upon); but to make such attacks the pretext for indiscriminate murder and robbery is an extension of the law of reprisals that was only

[1] *De Officiis*, i. 12. Yet on this passage is founded the common assertion that among the Romans "the word which signified stranger was the same with that which in its original denoted an enemy" (Ward, ii. 174); implying that in their eyes a stranger and an enemy were one and the same thing. Cicero says exactly the reverse.

definitely imported into the military code of Europe by the German invaders of France in 1870.

The following facts, offered in proof of this statement, are taken from a small pamphlet, published during the war by the International Society for Help to the Wounded, and containing only such facts as were attested by the evidence of official documents or of persons whose positions gave them an exceptional title to credit.[1] At one place where twenty-five francs-tireurs had hidden in a wood and received the Germans with a fusilade, reprisals were carried so far that the curé, rushing into the streets, seized the Prussian captain by the shoulders and entreated mercy for the women and children. "No mercy!" was the only reply.[2] At another place twenty-six young men had joined the francs-tireurs; the Baden troops took and shot their fathers.[3] At Nemours, where a body of Uhlans had been surprised and captured by some mobiles, the floors and furniture of several houses were first saturated with petroleum and then fired with shells.[4]

The new theory also was imported into the military code, that a village, by the mere fact of trying to defend itself, constituted itself a place of war which might be legitimately bombarded, and, when taken, subjected to the rights of war which still govern the

[1] *Recueil de Documents sur les exactions, vols, et cruautés des armées prussiennes en France.* The book is out of print, but may be seen at the British Museum, under the title, "Prussia—Army of." It is to be regretted that, while every book, however dull, relating to that war, has been translated into English, this record has hitherto escaped the publicity it so well deserves.

[2] *Ibid.* 19. [3] *Ibid.* 8. [4] *Ibid.* 13

fate of places taken by assault.[1] Nor let it be supposed that those rights were not exercised as rigorously as they ever have been by victorious troops. At Nogent-sur-Seine, the Wurtemberg troops carried their fury to the slaughter of women and children and even of the wounded. And if the belief still lingers that the German troops of the Emperor William behaved otherwise toward the weaker sex than their ancestors in Rome and Italy under the Constable of Bourbon, let the reader refer to the experiences of Clermont, Andernay, or Neuville.[2]

Reprisals beget, of course, reprisals; and had the French and German war been by any accident prolonged, it is appalling to think of the barbarities that would have occurred. "Threat for threat," wrote Colonel R. Garibaldi to the Prussian commander at Châtillon, in reference to the latter's resolve to punish the inhabitants of that place for the acts of some francs-tireurs; "I give you my assurance that I will not spare one of the 200 Prussians whom you know to be in my hands."[3] "We will fight," wrote General Chanzy to the Prussian commander at Vendôme, "without truce or mercy, because it is a question now not of fighting loyal enemies, but hordes of devastators."[4]

Under the theory of legitimate reprisals, the Germans resuscitated the custom of taking hostages. The French having (in accordance with the still recognized but barbarous rule of war) taken prisoners the captains of some German merchant vessels, the

[1] Chaudordy's Circular of November 29, 1870, in the *Recueil.*
[2] *Recueil,* 12, 15, 67, 119. [3] *Ibid.* 56. [4] *Ibid.* 54

Germans retaliated by taking twenty persons of respectable position at Dijon and nine at Vesoul, and detaining them as hostages. Nor was this an uncommon episode in the campaign ; though the sending to Germany as prisoners of war of French merchants, magistrates, lawyers and doctors, and the making them answerable with their lives and fortunes for actions of their countrymen which they could neither prevent nor repress, was a revival in its worst form of the theory of vicarious punishment, and a direction of hostilities against non-combatants, which was a gross violation of the proclamation of the Prussian king, made at the beginning of the campaign (after the common cant of the leaders of armies), that his forces had no war to wage with the peaceable inhabitants of France.

Even plunder enters into the German law of reprisals. Remiremont in the Vosges had to pay 8,000*l.* because two German engineers and one soldier had been taken prisoners by the French troops. The usual forced military contributions which the victors exacted did not exclude a system of pillage and devastation that the present age fondly believed to belong only to a past state of warfare. On December 5, 1870, a German soldier wrote to the *Cologne Gazette :* "Since the war has entered upon its present stage it is a real life of brigands we lead. For four weeks we have passed through districts entirely ravaged ; the last eight days we have passed through towns and villages where there was absolutely nothing left to take." Nor was this plunder only the work of the common military serfs or conscripts, whose

miserable poverty might have served as an excuse, but it was conducted by officers of the highest rank, who, for their own benefit, robbed farms and stables of their sheep and horses, and sacked country houses of their works of art, their plate, and even of their ladies' jewels.[1]

The world, therefore, at least owes this to the Germans, that they have taught us to see war in its true light, by removing it from the realm of romance, where it was decked with bright colors and noble actions, to the region of sober judgment, where the soldier, the thief, and the murderer are seen in scarcely distinguishable colors. They have withdrawn the veil which blinded our ancestors to the evils of war, and which led dreamy humanitarians to believe in the possibility of *civilized warfare;* so that now the deeds of shame threaten to obscure the deeds of glory. In the middle ages it was the custom to declare a war that was intended to be waged with special fury by sending a man with a naked sword in one hand and a burning torch in the other, to signify that the war so begun was to be one of blood and fire. We have since learned that there is no need to typify by any peculiar ceremony the character of any particular war; for that the characteristics of all are the same.

The German general Von Moltke, in a published letter wherein he maintained that perpetual peace was a dream and not even a beautiful one, went on to say, in defense of war, that in it the noblest virtues of mankind were developed—courage, self-abnegation, faithfulness to duty, the spirit of sacrifice; and that

[1] *Recueil*, 33–37, and Lady Bloomfield's *Reminiscences*, ii. 235, 8, 9.

without wars the world would soon stagnate and lose itself in materialism.[1] We have no data from which to judge of the probable state of a warless world, but we do know that the brightest samples of these virtues have been ever given by those who in peace and obscurity, and without looking for lands, or titles, or medals for their reward, have labored not to destroy life but to save it, not to lower the standard of morality but to raise it, not to preach revenge but mercy, not to spread misery and poverty and crime but to increase happiness, wealth and virtue. Is there or will there be no scope for courage, for self-sacrifice, for duty, where fever and disease are the foes to be combated, where wounds and pain need to be cured or soothed, or where sin and ignorance and poverty are the forces to be assailed? But apart from this there is another side to the picture of war, of which Von Moltke says not a word, but of which, in the preceding pages, some indication has been given. Now that we are no longer satisfied with the dry narratives of strategical operations, but are beginning to search into the details of military proceedings; into the fate of the captured, of the wounded, of the pursued; into the treatment of hostages, of women, of children; into the statistics of massacre and spoliation that are the penalties of defeat; into the character of stratagems; and into the justice of reprisals, we see war in another mirror, and recognize that the old one gave but a distorted reflection of its realities. No one ever denied but that great qualities are displayed in war; but the doubt is spreading fast, not only whether

[1] The *Times*, March 7, 1881.

it is the worthiest field for their display, but whether it is not also the principal nursing-bed of the crimes that are the greatest disgrace to our nature.

It is idle to think that our humanity will fail to take its coloring from our calling. Marshal Montluc, the bravest yet most cruel of French soldiers, was fond of protesting that the inhumanity he was guilty of was in corruption of his original and better nature; and at the close of his book and of his life, he consoled himself for the blood he had caused to flow like water by the consideration, that the sovereigns whose servant he had been, were (as he told one of them) really responsible for the misery he had caused. But does the excuse avail him, or the millions who have succeeded to his trade? A king or a government can commission men to execute its policy or its vengeance; but is a free agent, who accepts a commission that he believes to be iniquitous, morally acquitted of his share of culpability? Is his responsibility no greater than that of the sword, the ax, or the halter with which he carries out his orders; or does the plea of military discipline justify him in acting with no more moral restraint than a slave, or than a horse that has no understanding? The Prussian officer who at Dijon blew out his brains rather than execute some iniquitous order[1] showed that he understood the dignity of human nature as it was understood in the days of the bygone moral grandeur of Rome. Such a man deserved a monument far more than most to whom memorial monuments are raised.

Recent events lend an additional interest to the

[1] *Recueil*, 29; compare 91.

question of reprisals, and add emphasis to the necessity of placing them, as it was sought to do at Brussels, on the footing of an international agreement. It is sometimes said that dynastic wars belong to the past, and that kings have no longer the power to make war, as they once did, for their own pleasure or pastime. There may be truth in this, though the last great war in Europe but one had its immediate cause in an inter-dynastic jealousy; but a far more potent agency for war than ever existed in monarchical power is now wielded by the press. War in every country is the direct pecuniary interest of the daily press. "I know proprietors of newspapers," said Cobden during the Crimean war, "who have pocketed 3,000*l.* or 4,000*l.* a year through the war as directly as if the money had been voted to them in the Parliamentary estimates."[1] The temptation, therefore, is great, first to justify any given war by irrelevant issues or by stories of the enormities committed by the enemy, or even by positive false statements (as when the English press, with the *Times* at its head, with almost one voice taught us that the Afghan ruler had insulted our ambassador, and left us to find out our mistake when a too ready credulity had cost us a war of some 20,000,000*l.*); and then when war had once begun, to fan the flame by demanding reprisals for atrocities that have generally never been committed nor established by any thing like proof. In this way the French were charged at the beginning of the last German war with bombarding the open town of Saarbrück, and with firing explosive bullets from the

[1] Morley's *Cobden*, ii. 177.

mitrailleuse; and the belief, thus falsely and purposely propagated, covered of course with the cloak of reprisals a good deal of all that came afterwards.

In this way has arisen the modern practice of justifying every resort to war, not as a trial of strength or test of justice between enemies, but as an act of virtuous and necessary chastisement against criminals. Charges of violated faith, of the abuse of flags of truce, of dishonorable stratagems, of the ill-treatment or torture of prisoners, are seized upon, regardless of any inquiry into their truth, and made the pretext for the indefinite prolongation of hostilities. The lawful enemy is denounced as a rebel or a criminal, whom it would be wicked to treat with or trust; and only an unconditional surrender, which drives him to desperation, and so embitters the war, is regarded as a possible preliminary to peace. The time has surely come when such a demand, on the ground of reprisals, should cease to operate as a bar to peace. One of the proposals at the Brussels Conference was that no commander should be forced to capitulate under dishonorable conditions, that is to say, without the customary honors of war. It should be one of the demands of civilization that an unconditional surrender, such as was insisted upon from Arabi in 1882 and led to the bombardment of Alexandria with all the subsequent troubles, should under no circumstances be insisted on in treating with an enemy; and that no victorious belligerent should demand of a defeated one what under reversed conditions it would consider dishonorable to grant itself.

CHAPTER V.

MILITARY STRATAGEMS.

Hê ! qu'il y a de tromperie au monde ! et en nostre mestier plus qu'en autre qui soit.—MARSHAL MONTLUC.

Grotius' theory of fair stratagems—The teaching of international law—Ancient and modern naval stratagems—Early Roman dislike of such stratagems as ambuscades, feigned retreats, or night attacks—The degenerate standard of Frontinus and Polyænus—The conference stratagem of modern Europe—The distinction between perfidy and stratagem—The perfidy of Francis I.—Vattel's theory about spies—Frederick the Great's military instructions about spies—Lord Wolseley on spies and truth in war—The custom of hanging or shooting spies—Better to keep them as prisoners of war—Balloonists regarded as spies—The practice of military surprises—Death formerly the penalty for capture in a surprise—Stratagems of uncertain character, such as forged dispatches or false intelligence—The use of the telegraph in deceiving the enemy—May prisoners of war be compelled to propagate lies?—General character of the military code of fraud.

ONE of the most interesting aspects of the state of war is that of its connection with fraud, deceit and guile. If we may seek to obtain our ends by force, we may surely, it is argued, do so by fraud; for what is the moral difference between overcoming by superiority of muscle and the same result obtained by dint of brain? Lysander the Spartan went so far as to say that boys were to be cheated with dice, but an enemy with oaths; and if the world has professed

horror at his sentiment, it has not altogether despised his authority.

Among military stratagems the older writers used to include every kind of deception practiced by generals in war, not only against the enemy, but against their own troops; as, for instance, devices for preventing or suppressing a mutiny, for stopping the spread of a panic, or for encouraging them with false news before or during an engagement.

But in modern use the term stratagem has almost exclusive reference to artifices of deception practiced against an enemy; and the greater interest that attaches to the latter kind of guile justifies the narrowed denotation of the word. No one, for instance, would now regard as a stratagem the clever behavior of that Thracian general Cosingas, who, acting also as priest to his forces, brought them back to obedience by the report he artfully propagated that certain long ladders which he had caused to be made and fastened together were intended to enable him to climb to heaven, there to complain to Juno of their misconduct. The false pretense that is involved in a stratagem is addressed to the leaders of a hostile force, in order that their fear or confidence, unduly raised by it, may be played upon to the advantage of their more artful opponents. In the consideration, therefore, of military stratagems, or *ruses de guerre*, it is best to conform entirely to the more restricted sense in which they are understood in modern parlance.

The following stratagem is a good one to start with. During the Franco-German war of 1870, twenty-five francs-tireurs clothed themselves in Prus-

sian uniform, and by the help of that disguise killed several Prussians at Sennegy near Troyes; and the deed was made a subject of open boast in a French journal.[1] Was the boast a justifiable or a shameful one?

Distinctly justifiable, if at least Grotius, the father of our international law, is any authority. The reasoning of Grotius runs in this wise. There is a distinction between conventional signs that are established by the general consent of all the world and those which are only established by particular societies or by individuals; deception directed against the former involves the violation of a mutual obligation, and is therefore unlawful, whereas that against the latter is lawful, because it involves no such violation. Therefore, while it is wrong to deceive an enemy by words or signs which by general consent are universally understood in a given sense, it is not wrong to overcome an enemy by conduct which involves no violation of a generally recognized and universally binding custom. Under conduct of the latter type fall such acts as a simulated flight, or the use of an enemy's arms, his standards, uniform, or sails. A flight is not an instituted sign of fear, nor have the arms or colors of a particular country any universally established meaning.[2]

And in spite of the sound of sophistry that accompanies this reasoning, the teaching of international law has not substantially swerved on this point from the direction given to it by Grotius. In Cicero's opinion, although both force and fraud were resources

[1] Professor Sheldon Amos quotes the fact, but refrains from naming the paper, in his preface to Manning's *Commentaries on the Law of Nations*, xl. Was it not the *Journal de France* for Nov. 21, 1871?

[2] iii. i. viii. 4.

most unworthy of rational humanity, the one pertaining rather to the nature of the lion and the other to that of the fox, fraud was an expedient deserving of more hatred than the other.[1] But the teaching of later times has tended to overlook this distinction. Bynkershoeck, that celebrated Dutch jurist who advocated the use of poison as one of the fair modes of employing force, declares it to be a matter of perfect indifference whether stratagem or open force be employed against an enemy, provided perfidy be absent from the former. And Bluntschli, who is the German publicist of greatest authority in our own day, expressly includes among the lawful stratagems of war the use of an enemy's uniform or flag.[2]

If, then, we test the received military theory by some actual experience, the following episodes of history must challenge rather our admiration than our blame, and stand justified by the most advanced theories of modern international law.

Cimon, the Athenian admiral, having captured some Persian ships, made his own men step into them and dress themselves in the clothes of the Persians; and then, when the ships reached Cyprus, and the inhabitants of that island came out joyfully to welcome their friends, they were of course more easily defeated by their enemies.[3]

Aristomachus, having taken some Cardian ships, placed his own rowers in them and towed his own ships behind them, as if they were being conducted in triumph. When the Cardians came out to greet their supposed victorious crews, Aristomachus and

[1] *De Officiis*, i. 13. [2] *Modernes Völkerrecht*, Art. 565.
[3] Polyænus, *Strategematum libri octo*, i. 34.

his men fell upon them and succeeded in committing great carnage.[1]

Modern history supplies analogous cases. In September, 1800, an English crew attacked two ships that lay at anchor at Barcelona, by forcing a Swedish vessel to take on board some English officers, soldiers and sailors, and so obtaining a means of approach that was otherwise impossible.[2] And English naval historians tell with pride, rather than with shame, how in 1798 two English ships, the "Sibylle" and the "Fox," by sailing under false colors, captured three Spanish gunboats in Manilla Roads. When the Spanish guard-boat was sent to inquire what the ships were, the pilot of the "Fox" replied that they belonged to the French squadron, and that they wished to put into Manilla, for the recovery of the crews from sickness. The English Captain Cooke was introduced under the French name of Latour; and a conversation ensued in which the ceremony of wishing success to the united exertions of the Spaniards and French against the English was not forgotten. Two Spanish boats having then come to visit the vessels, their crews were quickly handed below; and a party of British sailors having changed clothes with them and got into their boat, advanced to the gunboats, which they captured without pulling a trigger.[3]

On another occasion the same "Sibylle," which had been taken from the French by Romney in 1794, captured a large French vessel that lay at anchor, by

[1] Polyænus, v. 41.

[2] Ortolan's *Diplomatie de la mer*, ii. 31, 375–7.

[3] James's *Naval History*, ii. 211; Campbell's *Admirals*, vii. 132.

standing in under French colors, and only hoisting her real ones when within a cable's length of her prize;[1] the only limit to such a stratagem on the sea being the necessity for a ship to hoist her real flag before proceeding to actual hostilities. A state of war must surely play strange tricks with our minds to make it possible for us to approve such infamous actions as those quoted. There can be no greater proof of the utter demoralization it causes than that such devices should have ever come to be thought honorable; and that no scruples should have ever intervened against the prostitution of a country's flag, the symbol of her independence, her nationality, and her pride, to the shame of open falsehood. Antiquaries dispute the correctness of the statement of Polyænus that Artemisia, the Queen of Caria and ally of Xerxes against Greece, hoisted Persian colors when in pursuit of Greek ships, but a Greek flag to prevent Greek ships from pursuing herself, because they say that flags were not then in use; but undoubtedly the custom is a very old one on the seas of having a number of different flags on board a ship, for the purpose either of more easily capturing a weaker or of more easily escaping from a stronger vessel than herself. The French, for instance, in 1337 plundered and burned Portsmouth, after having been suffered to land under the cover of English banners.[2] Not only the vessels of pirates and privateers, but the war vessels of the State, learned to sail

[1] James, *Naval History*, ii. 225. [2] Nicolas, *Royal Navy*, ii. 27.

under colors that belied their nationality.[1] The only limit to the stratagem of the false flag (to which international custom gradually came to give the force of law) came to be the necessity of hoisting the real flag before proceeding to fire, a limitation that was not of much moment after the successful deception had brought a defenseless merchant vessel within the reach of easy capture. And with regard to ships of war, the cannon-shot by which one vessel replied to the challenge of its suspected nationality by the other came to be equivalent to the captain's word of honor that the flag which floated above the cannon he fired represented the nationality of which it professed to be the symbol. The flag itself might tell a lie, therefore the cannon-shot oath must redeem it from suspicion. Such are the extraordinary ideas of honor and morality that the system of universal fear, distrust and hostility, by many thought to be so surpassingly glorious, has caused to become prevalent upon the ocean.

In spite, therefore, of Grotius, the above stratagems must be considered as dishonorable ; and that so they are beginning to be considered is indicated by the fact that at the Brussels Conference of 1874 the use of an enemy's flag or uniform was expressly rejected from the category of fair military stratagems. But the improvement is in spite of international law, not in consequence of it.

There is an obvious distinction indeed between

[1] Hautefeuille, *Droit Maritime*, iii. 433. "Les vaisseaux de l'Etat eux-mêmes ne rougissent pas de ces grossiers mensonges qui prennent le nom de ruses de guerre."

the above method of overcoming an enemy and such favorite devices as ambuscades, feigned retreats, night attacks, or the diversion of a defense to the wrong point. But perhaps nothing in the history of moral opinion is more curious than that even these modes of deceit should have been, not by one people or an unwarlike people, but by several people, and one among them the most warlike nation known to history, deliberately rejected as unfair and dishonorable modes of warfare. The historical evidence on this point appears to be quite conclusive, and is worth recalling for the interest that can not but attach to one of the strangest but most neglected chapters in the history of human ethics.

The Achæans, says Polybius, disdained even to subdue their enemies with the help of deceit. In their opinion a victory was neither honorable nor secure that was not obtained in open combat by superior courage. Therefore they esteemed it a kind of law among them never to use any concealed weapons, nor to throw darts from a distance, being persuaded that an open and close conflict was the only fair method of combat. For the same reason they not only made a declaration of war, but sent notice each to the other of their resolution to try the fortune of a battle, and of the place where they were determined to engage.[1]

And in Ternate, one of the Molucca Islands, which suffered such untold miseries after the Europeans had discovered its spices and its heathenism, not only was war never begun without being first declared, but it was also customary to inform the enemy of the

[1] xiii. 1.

number of men and the amount and kind of weapons with which it was intended to conduct hostilities.[1]

But the case of the Romans is by far the most remarkable. Polybius, Livy and Ælian all agree in their testimony that for a long period of their history the Romans refrained from all kinds of stratagem as from a sort of military meanness; and their evidence is corroborated by Valerius Maximus, who says that the Romans, having no word in their language to express a military ruse, were forced to borrow the Greek word, from which our own word stratagem is derived.[2] Polybius, who lived and wrote as late as the second century before Christ, after complaining that artifice was then so prevalent among the Romans that their chief study was to deceive one another in war and in politics, adds that, in spite of this degeneracy, they still declared war solemnly beforehand, seldom formed ambuscades, and preferred to fight man to man in close engagement. So late as the year 172 B.C. the elder senators regretted the lost virtue of their ancestors, who refrained from such stratagems as night attacks, counterfeit flights and sudden returns, and who sometimes even appointed the day of battle and fixed the field of combat, looking for victory not from fraud, but only from superiority in personal bravery.[3] Ælian, too, declares that the Romans never resorted to stratagems till about the end of the second Punic war; and truly the great Roman general, Scipio, who

[1] Montaigne, ch. v.

[2] vii. 4. "Quia appellatione nostra vix apte exprimi possunt, Græca pronuntiatione Stratagemata dicuntur."

[3] Livy, xlii. 47.

took the name of Africanus, displayed a thorough African skill in the use he made of spies and surprises to bring that war to a successful issue.

With regard to night attacks the Macedonians appear to have cherished similar feelings, since we find Alexander refusing to attack Darius by night on the ground that he did not wish to gain a stolen victory. And with regard to close combat, something of the old Roman and Achæan feeling was displayed in Europe when first the crossbow, and in later times the musket, rendered personal prowess of lesser importance. Before the time of Richard I., when the crossbow became the chief weapon in war, warriors, says the Abbé Velley, were so free and brave that they would only owe victory to their lance and their sword, and every body detested those perfidious arms with which a coward under shelter was enabled to slay the bravest.[1] So said Montluc of the musket, which in 1523 had not yet, he says, superseded in France the use of the crossbow: "Would to God this accursed instrument had never been invented. . . . So many brave and valiant men would not have met their deaths at the hands very often of the greatest cowards, who would not so much as dare look at the man whom they knock down from a distance with their accursed balls."[2] And in the same spirit Charles XII. of Sweden once bade his soldiers to come to close quarters with the enemy without shooting, on the ground that it was only for cowards to shoot.

[1] *Histoire de la France*, iii. 401.

[2] The word musket is from *muschetto*, a kind of hawk, implying that its attack was equally destructive and unforeseen.

Such ideas are, of course, dead beyond the hope of recovery; but they are an odd commentary on our conceit in the improved tone of our military code of honor. We have long since learned to despise these old-world notions of honor and courage, and to make very few exceptions indeed to the newer doctrine of Christendom, that in war any thing and every thing is fair. But it is worth the pause of a moment to reflect that such moral sentiments in restraint of the use of fraud in war should have once had a real existence in the world; that they should once have swayed the minds of the most successful military nation that ever existed, and stood by them till they had attained that high degree of power which was theirs at the time of the Second Punic War (217–199 B. C.) In comparing the code of military honor prevalent in pagan antiquity with that of more recent times, it is but fair to remember that the pagan nations of old recognized some principles of action which were never dreamed of in the best days of Christian chivalry; and that the generals of the people who we are sometimes told were a mere robber community would have had as strong a feeling against the righteousness of a night attack, a feigned retreat, or a surprise, as our modern generals would have of an open violation of a truce or convention.

The downward path in this matter is easy, and the history of Rome after Scipio Africanus is associated with a change of opinion concerning stratagems that in no degree fell short of that subtlety of the Greeks, Gauls or Africans, which the Romans once regarded as perfidy. Frontinus, who wrote a book on strata-

gems in the reign of Trajan, and still more Polyænus, who wrote a large book on the same subject for the Emperors Verus and Antoninus, appear to have thought that no deceit was too bad to serve as a good precedent for the conduct of war. Polyænus not merely made a collection of some nine hundred stratagems, but collected them for the express purpose of their being of service to the Roman Emperors in the war then undertaken against Parthia. To the rulers of a people who had once regarded even an ambuscade as beneath their chivalry he brought as worthy of their recollection and study actions which are an eternal stain on the memory of those who committed them. Let us take for example the devices he records for obtaining possession of besieged places; remembering that from the moment the chamade has been beaten, or any other sign been given for a conference or parley between the contending forces, a truce by tacit agreement is held to suspend their mutual hostilities.

1. Thibron persuaded the governor of a fort in Asia to come out to arrange terms, under an oath that he should return if they failed to agree. During the relaxation of guard that naturally ensued, Thibron's men took the fort by assault: and Thibron, reconducting the governor according to his word, forthwith put him to death.[1]

2. In the same way behaved Paches, the Athenian general at Notium. Having got Hippias, the governor, into his power under the same promise that Thibron made, he took the place by storm, massacred

[1] Polyænus, ii. 19.

all he found in it, reconducted Hippias according to his oath, and had him killed upon the spot.[1]

3. Autophrodates proposed a parley with the chiefs of the Ephesian army, having previously ordered his cavalry officers and other troops to attack the Ephesians during the conference. The result was a signal victory, and the capture or slaughter of a great number of Ephesians.[2]

4. Philip of Macedon sent some envoys into a Thracian city, and while the people all met in assembly to hear the proposals of the enemy, the King of Macedon attacked and took the city.[3]

5. The Thracians, having been defeated by the Bœotians, made a truce with them for a certain number of *days*, and attacked them one *night*, while the enemy were engaged in making sacrifices. And so dealt Cleomenes with the Argives; he made a truce with them for seven days, and attacked them the second night.

All these things are told by Polyænus, not only without a word of disapproval, but apparently as good examples for the conduct of a war actually in progress. Such was the state of moral debasement in which their long career of military success ultimately landed the great Roman people.

Nevertheless, it is not for modern history to cast stones at Paches or at Thibron. The conference-stratagem attained its highest development in the practice of warfare in Christendom; so that Montaigne declares it to have become a fixed maxim

[1] Polyænus, iii. 2; from Thucydides, iii. 34.
[2] *Ibid.* vii. 27, 2. [3] *Ibid.* iv. 2–4.

among the military men of his time (the sixteenth century) never in time of siege to go out to a parley. That great French soldier Montluc, whose autobiography contained in his Commentaries displays so curious a mixture of bravery and cruelty, of loyalty and cunning, and is perhaps the best military book by a military man that has been written since Cæsar, tells us how once, while he was bargaining with the governor of Sarvenal about the terms of a capitulation, his men entered the place by a window on the other side and compelled the governor to surrender at discretion, and how on another occasion he sent his soldiers to enter Mont de Marsan and put all they met to the sword, while he himself was deluding the governor with a parley. "The moments of a parley are dangerous," he justly observes, "and then more than ever should the besieged be careful in guarding their walls, for it is the time when the besiegers, fearful of losing by a capitulation the booty that would be theirs if they took the place by storm, study to avail themselves of the relaxation of vigilance promoted by the truce to approach the walls with great facility and success." And the man who wrote this as the experience of his time, and illustrated it by the above accounts of his own practice, rose to be a Marshal of France!

Some other examples of the same stratagem prove how widely the custom entered into the warfare of the European nations. The governor of Terouanne, besieged by the forces of the Emperor Charles V., having forgotten in a negotiation for a capitulation to stipulate for a suspension of arms, the town was

surprised during the conference, pillaged, and utterly destroyed.[1] And Feuquières, a French general of Louis XIV., and the writer of a book of military memoirs which ran through several editions, tells us how he surprised a place called Kreilsheim in 1688: "I could not have taken this place by force, surrounded as it was with a wall and a strong enough castle; but the colonel in command having been imbecile enough to come outside the place to parley with me, without exacting a promise from me to let him return, I retained him and compelled him to order his garrison to surrender itself prisoner of war."[2] And he actually quotes this to show that when it is necessary to take a post all sorts of means should be employed, provided they do not dishonor the general who resorts to them, as would the failure of his word to the colonel have dishonored himself had the colonel demanded it of him.

A sounder sense of military honor was displayed by the English general, Lord Peterborough, at the siege of Barcelona in 1705. Don Velasco had promised to capitulate within a certain number of days, in the event of no succor arriving, and he surrendered one gate as proof of his sincerity. During the truce involved in this proceeding, the German and Catalonian allies of the English entered the town and began that career of plunder and outrage which is the constant reward and crown of such military successes. Lord Peterborough undertook to prevent disorder in the town, expel the allied soldiery, and return to his

[1] Liskenne, *Bibliothèque Historique et Militaire*, iii. 845.

[2] *Memoirs*, ch. xix.

position. He was taken at his word, acted up to his word, and saved the honor of England. But what of that of his allies?

It is a fine line that divides a stratagem from an act of perfidy. Valerius Maximus denounces as an act of perfidy the conduct of Cnæus Domitius, who, having received the King of the Arverni as a guest under the pretense of a colloquy, sent him by sea a prisoner to Rome;[1] but it is not easy to distinguish it from the actions of Montluc or Feuquières. Vattel lays down the following doctrine on the subject: As humanity compels us to prefer the gentlest means in the prosecution of our rights, if we can master a strong place, surprise or overcome an enemy by a stratagem or a feint void of perfidy, it is better to do so than to have resort to a bloody siege or the carnage of a battle. He expressly excludes perfidy; but might not Polyænus have defended it on precisely the same humanitarian grounds as those by which Vattel justifies the more ordinary stratagems? Might not an act of perfidy equally prevent a siege or a battle? If we are justified in contending for our rights by force, it is hard to say that we may not do so by fraud; but it is still harder to distinguish the kinds and the limits of such fraud, or to say where it ceases to be lawful.

And to this length did Polyænus apparently go, as we see in the cases of downright perfidy which he includes in his collection of stratagems. The Locrians swore to observe a treaty with the Sicilians so long as they trod the earth they then walked on, or carried

[1] ix. 6. 3.

their heads on their shoulders: the next day they threw away the heads of garlic which they had carried under their cloaks on their shoulders, and the earth they had strewn in their shoes, and began a general massacre of the Sicilians.[1] The Campanians, having agreed to surrender half their arms, cut them in half, and so virtually surrendered nothing.[2] Paches, the Athenian, says Frontinus, having promised personal safety to his enemies on condition of their laying down their arms, or as he termed it, their *iron*, slew all those who, having laid down their arms, still retained the *iron* clasps in their cloaks.[3]

By these means it is undoubtedly possible to gain that advantage over your enemy which, according to every theory of war, it is the paramount object of hostilities to obtain; for it has been too often forgotten that a nation's honor and character, which an enlightened patriotism should value higher than the mere earth on which it feeds and treads, are sacrificed and impaired whenever a treaty is taken by one of the parties to it to have been made in another sense from that which was clearly understood by both parties to have constituted its spirit at the time of making it. What a lasting stain rests, for instance, on the memory of Francis I., who, before signing the Treaty of Madrid, by which he swore, in return for his liberty, to restore the Duchy of Burgundy, and to return a prisoner to Spain if he failed to do so, made a formal protest beforehand, in the presence of some friends, that the oath he was about to take was involuntary and therefore void, and broke it the moment

[1] vi. 22. [2] vi. 15. [3] iv. 7, 17.

he was free! And this was the man whose memory is associated with the famous saying after the battle of Pavia: "All is lost save honor." What he really said after that event, in a letter to his mother, was this: "All is lost save my honor and my life, which is safe," and the letter went on at length, much more in keeping with the character of that monarch.[1] His life indeed he saved; his honor he never recovered.

It was agreed at the Brussels Conference that resort to every possible method of obtaining information about the forces or country of an enemy should count as a fair military stratagem; and, indeed, with the subject of the deceitful side of war the military theory and treatment of spies occupies no inconsiderable place.

Vattel is again as good an exponent as we can have of what international law teaches on this subject. His argument is as follows: It is not contrary to the law of nations to seduce one of the hostile side to turn spy, nor to bribe a governor to deliver a town, because such actions do not, like the use of poison or assassination, strike at the common welfare and safety of mankind. Such actions are the common episodes of every war. But that they are not in themselves honorable or compatible with a good conscience is proved by the fact that generals who resort to such means never boast of them; and, if they are at all excusable, it is only in the case of a very just war, when there is no other way of saving a country from ruin at the hands of lawless conquerors. A sovereign has no right to require the services of a spy from any

[1] E. Fournier, *L'Esprit dans l'Histoire*, 145–150.

of his subjects, but he may hold out the temptation of reward to mercenary souls; and if a governor is willing to sell himself and offer us a town for money, should we scruple to take advantage of his crime, and to get without danger what we have a right to get by force? At the same time a spy may rightly be put to death, because it is the only way we have of guarding against the mischief he may do us.[1]

Frederick the Great of Prussia was a contemporary of Vattel, and in November, 1760, he published some military instructions for the use of his generals which, in the matter of spies, was based on a wider practical knowledge of the matter than of course belonged to the more pacific publicist. He classified spies into ordinary spies, double spies, spies of distinction, and spies by compulsion. By double spies he meant spies who also pretended to be in the service of the side they betrayed. By spies of distinction he meant officers of hussars, whose services he had found useful under the peculiar circumstances of the Austrian campaign. When he could not procure himself spies among the Austrians, owing to the careful guard which their light troops kept round their camp, the idea occurred to him, and he acted on it with success, of utilizing the suspension of arms that was customary after a skirmish between hussars, to make those officers the means of conducting an epistolary correspondence with the officers on the other side. Spies by compulsion he explained in this way: "When you wish to convey false information to an enemy, you take a trustworthy soldier and

[1] iii. 10.

compel him to pass to the enemy's camp to report there all that you wish the enemy to believe; you also send by him letters to excite the troops to desertion." And in the event of its being impossible to obtain information about the enemy, this distinguished child of Mars prescribes the following: Choose some rich citizen, who has land and wife and children, and another man disguised as his servant or coachman, who understands the enemy's language. Force the former to take the latter with him to the enemy's camp to complain of injuries sustained, threatening him that if he fail to bring the man back with him after having staid long enough for the desired object, his wife and children shall be hanged and his house burned. "I was myself constrained," adds this great warrior, "to have recourse to this method, when we were encamped at ———, and it succeeded."[1]

Such were the military ethics of the great philosopher and king, whose character in the closer intimacy of biography proved so disagreeable a revelation to Carlyle. Pagan antiquity might be searched in vain for practices or sentiments more ignoble. Sertorius, the Roman captain, was one of the greatest masters of stratagem in the world, yet how different his language from that of the Great Frederick! "A man," he said, "who has any dignity of feeling should conquer with honor, and not use any base means even to save his life."

From the sentiments of Frederick the Great regarding spies, let us pass to those of our own time. From Lord Wolseley's "Soldier's Pocket-Book" may

[1] Liskenne, v. 233–4.

be gained some insight as to the manner in which a spy in an enemy's camp may correspond with the hostile general. The best way, he suggests, is to send a peasant with a letter written on very thin paper, which may be rolled up so tightly as to be portable in a quill an inch and a half long, and this precious quill may be hidden in the hair or beard, or in a hollow made at the end of a walking-stick. It is also a good plan to write secret correspondence in lemon-juice across a newspaper or the leaves of a New Testament; it is then safe against discovery, and will become legible when held before a fire or near a red iron.

"As a nation," says Lord Wolseley, "we are bred up to feel it a disgrace even to succeed by falsehood; the word spy conveys something as repulsive as slave; we will keep hammering along with the conviction that honesty is the best policy, and that truth always wins in the long run. These pretty little sentiments do well for a child's copy-book, but a man who acts upon them had better sheathe his sword forever."[1] Was there ever such a confession of the incompatibility of the soldier's calling with the precepts of ordinary honor? For how not so, if he must so far stoop from the ordinary level of moral rectitude as to be ready to scorn honesty and to trifle with truth? And then the question is, Had not a man better sheathe his sword forever, or rather not enter at all upon a trade where he will have to regard the eternal principles of right and wrong as so much pretty sentiment only fit for the copy-book?

[1] *Soldier's Pocket-Book*, 81.

Since, therefore, we have the authority of Vattel, of Frederick the Great, and of Lord Wolseley that spies may or even must be employed in war, and that, be the trickery or bribery never so mean that procures their services, no discredit reflects itself upon those generals who use them—it is impossible not to notice it as one of the chief anomalies in existing military usage that, although a general has an unlimited right to avail himself of the services of a spy or a traitor, the penalty for acting in either of the latter capacities is death. The capital penalty is not of itself any test of the moral character of the action to which it is affixed, for the service of a fire-ship which demanded the most desperate bravery, used to be undertaken in the face of capital punishment. Moreover, some of the most famous names in military history have not hesitated to act as spies. Sertorius was honored by Marius with the usual rewards of signal valor for having learned the language of the Gauls and gone as a spy amongst them disguised in their dress. The French general Custine entered Mayence in the disguise of a butcher. Catinat spied out the strength of Luxembourg in the costume of a coal-heaver. Montluc entered Perpignan as a cook, and only resolved never again to act as a spy because the narrowness of his escape convinced him, not that it was a service of too much dishonor, but a service of too much danger.

The custom of killing spies is an old Roman one,[1] and, indeed, seems to have prevailed all the

[1] Polyænus, viii. 16, 8. "Lege Romanorum jubente hostium exploratores interficere."

world over. Nevertheless there have been exceptions even to that. Scipio Africanus had some Carthaginian spies who were brought before him led through the camp, and then dismissed under escort, and with the polite inquiry whether they had examined every thing to their satisfaction.[1]

The consul Lævinus is said to have dealt in the same way with some spies that were taken, and so did Xerxes by some Greek detectives. At the famous siege of Antwerp in 1584–5, when a Brabant spy was brought before the Prince of Parma, the latter gave order that he should be shown all the works connected with the wonderful bridge that he was then constructing across the Scheldt, and then sent him back to the besieged city with these words: "Go and tell those who sent you what you have seen. Tell them that I firmly intend either to bury myself beneath the ruin of this bridge or by means of it to pass into your city."

There is a clear middle course between both extremes. Instead of being hung or shot or sent away scot free, a spy might fairly be made a prisoner of war. Suggestions in this sense were made at the Brussels Conference on the Laws of War. The Spanish delegate proposed that the custom of hanging or shooting detected spies should be abolished, and the custom be substituted of interning them as prisoners of war during the continuance of hostilities. The Belgian delegate proposed that in no case should

[1] Livy, xxx. 29. According to Polyænus, he gave them a dinner and sent them back with instructions to tell what they had seen; viii. 16, 8,

they be put to death without trial; and it was even sought to establish a distinction between the deserts of the really patriotic and the merely mercenary spy. The feeling in fact made itself clearly visible, that an act of which a general might fairly avail himself could not in common justice be regarded as criminal in the agent. Between a general and a spy the common-law rule of principal and agent plainly holds good: "He who acts through another acts through himself." In a case of espionage either both principal and agent are guilty of a criminal act, or neither is. If the spy as such violates the laws of war, so does the general who employs him; and either deserves the same punishment. Were it not so, a general who should hire a bravo to assassinate an enemy would incur no moral blame, nor could be held to act outside the boundary of lawful and honorable hostilities.

In some other respects the Brussels Conference displayed the vagueness of sentiment that prevails about the use of spies in war. It was agreed between all the Powers that no one should be considered as a spy but one who secretly or under false pretenses sought to obtain information for the enemy in occupied districts; that military men collecting such information within the zone of hostile operations should not be regarded as spies if it were possible to recognize their military character; and that military men, and even civilians, if their proceedings were open, charged with dispatches, should not, if captured, be treated as spies; nor individuals who carried dispatches or kept up communications between different parts of an army through the air in balloons. The German dele-

gate proposed, with regard to balloons, that those who sailed in them might be first of all summoned to descend, then fired at if they refused, and if captured be treated as prisoners, not as spies. The rejection of his proposal implies that by the laws of modern war a balloonist is liable to be shot as a spy; so that, from the point of view of personal danger, the service of a balloon becomes doubly heroic. The Brussels Conference settled nothing, owing to the withdrawal of England from that attempt to settle by agreement between the nations the laws that should govern their relations in war-time; but from what was on that occasion agreed to or rejected may be gathered the prevalent practice of European warfare. Is it not then a little remarkable that for the dangerous service of espionage a different justice should be meted out to civilians and to military men; and that a patriot who risks his life in a balloon should also risk it in the same way as a spy, a deserter, or a traitor?

But whatever be the fate of a spy, and in spite of distinguished precedents to the contrary, men of honor will always instinctively shrink from a service which involves falsehood from beginning to end. The sentiment is doubtless praiseworthy: but what is the moral difference between entering a town as a spy and the military service of winning it by surprise? What, for instance, shall we think of the Spanish officers and soldiers who, dressed as peasants and with baskets of nuts and apples on their arms, gained possession of Amiens in 1597 by spilling the contents of their baskets and then slaying the sentinels as they

scrambled to pick them up?[1] What of the officers who, in the disguise of peasants and women, and concealing daggers and pistols, got possession of Ulm for the Elector of Bavaria? What of the French who, in Dutch costume, and by supplications in Dutch to be granted a refuge from a pursuing enemy, surprised a fort in Holland in 1672?[2] What of Prince Eugene, who took the fortress of Breysach by sending in a large force concealed in hay-carts under the conduct of two hundred officers disguised as peasants?[3] What of the Chevalier Bayard, that favorite of legendary chivalry, who, having learned from a spy the whereabouts of a detachment of Venetian infantry, went by night to the village where they slept, and with his men slew all but three out of some three hundred men as they ran out of their houses?[4] What of Callicratidas the Cyrenæan, who begged the commander of a fort to receive four sick soldiers, and sent them in on their beds with an escort of sixteen soldiers, so that they easily overpowered the guards and won the place for their general?[5] What of Phalaris, who, having petitioned for the hand of a commandant's daughter, overcame the garrison by sending in soldiers dressed as women servants, and purporting to bear presents to his betrothed?[6] What of Feuquières, who, while pretending to lead a German force and praying for shelter from a snowstorm, affixed his pétards to the gates of Neuborg, and, having taken

[1] Watson's *Philip II.* iii. 311. [2] Liskenne, iii. 840.

[3] Hoffman, *Kriegslist*, 15.

[4] Petitot's *Mémoires de la France*, xv. 317.

[5] Polyænus, ii. 27. [6] *Ibid.* v. 1, 4.

the town, put the whole of the garrison of 650 men to the sword?[1]

In what respect do such actions, which are the every day stratagems of a campaign, and count as perfectly fair, differ from the false pretenses which constitute the iniquity of the spy? In this respect only—that while he bears his danger alone, in the case of a surprise the danger is distributed among numbers.

And, in point of fact, there was a time when the service of a surprise and that of espionage were so far regarded as the same that by the laws of war death was not only the allotted portion of the captured spy but of all who were caught in an endeavor to take a place by surprise. The rule, according to Vattel, was not changed, nor the soldiers who were captured in a surprise regarded or treated as prisoners of war, till the year 1597, when, Prince Maurice having failed in an attempt to take Venloo by surprise, and having lost some of his men, who were put to death for that offense, the new rule that has since prevailed was agreed upon by both sides for the sake of their future mutual immunity from that peril.

The usual rule laid down to distinguish a bad from a good stratagem is that in the latter there is no violation of an expressly or tacitly pledged faith. The violation of a conference, a truce, or a treaty has always therefore been reprobated, however commonly practiced. But certain occurrences of history suggest the feasibility of corresponding stratagems which can not be judged by so simple a formula and which therefore are of still uncertain right.

[1] *Memoirs*, ch. xix.

The first stratagem of this kind that suggests itself is that of forgery. Hannibal, having defeated and slain the Roman general Marcellus, and thereby become possessed of his seal, the Romans found it necessary to dispatch messages to all their garrison towns that no more attention should be paid to orders purporting to come from Marcellus. The precedent suggests the use of forged dispatches as a weapon of war. To obtain in time of peace, for use in time of war, the signatures of men likely to be hostile commanders, would obviously be of immense military service for purposes either of defense or aggression. The stratagem would be dishonorable in the highest degree; but, unfortunately, the standard of measurement in such cases is rather their effectiveness than their abstract morality.

The second stratagem of the sort is the stratagem of false intelligence. To what extent is it lawful to deceive an enemy by downright falsehood? The Chevalier Bayard, "without fear or reproach," when besieged by the Imperialists in Mézières, contrived to make the enemy raise the siege by sending a messenger with letters containing false information destined to fall into the hands of the enemy. The invention of the telegraph has increased the means of deceiving the enemy by false intelligence, and was freely so used in the Civil War of the United States. It is said to be better to secure the services of a few telegraph operators in a hostile country than to have dozens of ordinary spies; and for this reason, according to the eminent author of the "Soldier's Pocket-Book:" "Before or during an action an enemy may

be deceived to any extent by means of such men; messages can be sent ordering him to concentrate upon wrong points, or, by giving him false information, you may induce him to move as you wish."

Another stratagem is suggested by the conduct of the Prince of Orange, who, having detected in one of his own secretaries a spy in the service of the Prince of Luxembourg, forced him to write a letter to the latter containing such information as enabled himself to effect a march he wished to conceal. Might not, then, prisoners of war be used for the same compulsory service? For a spy just as much as a soldier is a recognized and accredited military agent, and, if the former may be made the channel of falsehood, why not the prisoner of war? The Romans made use of the latter to acquire information about their enemy's plans, if in no other way, by torture or the threat of it; the Germans forced some of their French prisoners to perform certain military services connected with carrying on their campaign—would it be therefore unfair to make use of them as the Prince of Orange made use of his secretary?

To such questions there is no answer from the international law writers. Still less is there any authoritative military doctrine concerning them, and, if the stratagems in debate are excluded from "good" war by the military honor of to-day, the above study of warlike artifices has been made to little purpose if it has not taught us how changeable and capricious that standard is, and of what marvelous adjustment it is capable.

It were a treat at which the gods themselves might

smile to see and hear a moral philosopher and a military officer brought into conference together concerning the stratagems permissible in war. Let the reader imagine them trying to distribute in just and equal parts the due share of blame attaching severally to the following agents—to the man who betrays his country or his cause for gold, and the general who tempts him to his crime or accepts it gladly; to the man who serves as a spy; to the general who on the one side sends or employs him as a spy, and to the general who on the other side hangs him as a spy; to the man who discovers the strength of a town in the disguise of a butcher, and to his fellow-soldiers who enter it disguised as peasants or under the plea of shelter from sickness or a snowstorm; to the man who gains an advantage by propagating false intelligence, and the man who does so by the use of forged dispatches; the man who, like Scipio, plays at negotiations for peace in order the better to spy out and avail himself of an enemy's weakness, and the man who makes offers of treason to an enemy in order the more easily to take him at a disadvantage—and the conclusion will be not unlikely to occur to him, when he shudders at the possible length and futility of that imaginary disputation, that, whatever havoc is caused by a state of war to life, to property, to wealth, to family affections, to domestic honor, it is a havoc absolutely incomparable to that which it produces among the received moral principles of mankind. The military code regarding the fair and legitimate use of fraud and deception has nothing whatever in common with the ordinary moral code of civil life, the

principles openly professed in it being so totally foreign to our simplest rules of upright and worthy conduct that in any other than the fighting classes of our civilized societies they would not be advocated for very shame, nor listened to for a moment without resentment.

CHAPTER VI.

BARBARIAN WARFARE.

Non avaritia, non crudelitas modum novit. . . Quæ clam commissa capite luerentur, quia paludati fecere laudamus.—SENECA.

Variable notions of honor—Primitive ideas of a military life—What is civilized warfare?—Advanced laws of war among several savage tribes—Symbols of peace among savages—The Samoan form of surrender—Treaties of peace among savages—Abeyance of laws of war in hostilities with savages—Zulus blown up in caves with gun-cotton—Women and men kidnapped for transport service on the Gold Coast—Humane intentions of the Spaniards in the New World contrasted with the inhumanity of their actions—Wars with natives of English and French in America—High rewards offered for scalps—The use of bloodhounds in war—The use of poison and infected clothes—Penn's treaty with the Indians—How Missionaries come to be a cause of war—Explanation of the failure of modern Missions—The Mission Stations as centers of hostile intrigue—Plea for the State-regulation of Missions—Depopulation under Protestant influences—The prevention of false rumors, *Tendenzlügen*—Civilized and barbarian warfare—No real distinction between them.

A MISSIONARY, seeing once a negro furrowing his face with scars, asked him why he put himself to such needless pain, and the reply was: "For honor, and that people on seeing me may say, There goes a man of heart."

Ridiculous as this negro's idea of honor must appear to us, it bears a sufficient resemblance to other notions of the same kind that have passed current in the world at different times to satisfy us of the extreme

variability of the sentiment in question. Cæsar built with difficulty a bridge across the Rhine, chiefly because he held it beneath his own dignity, or the Roman people's, for his army to cross it in boats. The Celts of old thought it as ignominious to fly from an inundation, or from a burning or falling house, as to retreat from an enemy. The Spartans considered it inglorious to pursue a flying foe, or to be killed in storming a besieged city. The same Gauls who gloried in broadsword-wounds would almost go mad with shame if wounded by an arrow or other missile that only left an imperceptible mark. The use of letters was once thought dishonorable by all the European nations. Marshal Montluc, in the sixteenth century, considered it a sign of abnormal overbookishness for a man to prefer to spend a night in his study than to spend it in the trenches, though, now, a contrary taste would be thought by most men the mark of a fool.

Such are some of the curious ideas of honor that have prevailed at different times. Wherein we seem to recognize not merely change but advance; one chief difference between the savage and civilized state lying in the different estimates entertained in either of martial prowess and of military honor. We laugh nowadays at the ancient Britons who believed that the souls of all who had followed any other pursuit than that of arms, after a despised life and an unlamented death, hovered perforce over fens and marshes, unfit to mingle with those of warriors in the higher and brighter regions: or at the horsemen who used before death to wound themselves with their spears, in order

to obtain that admission to Walhalla which was denied to all who failed to die upon a battle-field; or at the Spaniards, who when Cato disarmed them, preferred a voluntary death to a life destined to be spent without arms.[1] No civilized warrior would pride himself, as Fijian warriors did, on being generally known as the "Waster" or "Devastator" of such and such a district; the most he would look for would be a title and perhaps a perpetual pension for his descendants. We have nothing like the custom of the North American tribes, among whom different marks on a warrior's robe told at a glance whether his fame rested on the slaughter of a man or a woman, or only on that of a boy or girl. We are inferior in this respect to the Dakota tribes, among whom an eagle's feather with a red spot on it denoted simply the slaughter of an enemy, the same feather with a notch and the sides painted red, that the said enemy had had his throat cut, while, according as the notches were on one side or on both, or the feather partly denuded, any one could tell after how many others the hero had succeeded in touching the dead body of a fallen foe. The stride is clearly a great one from Pyrrhus, the Epirot king, who, when asked which of two musicians he thought the better, only deigned to reply that Polysperchon was the general, to Napoleon, the French emperor, who conferred the cross of the Legion of Honor on Crescentini the singer.

And as the pursuit of arms comes with advancing civilization to occupy a lower level as compared with the arts of peace, so the belief is the mark of a more

[1] Livy, xxxiv. 17.

polished people that the rapacity and cruelty which belong to the war customs of a more backward nation, or of an earlier time, are absent from their own. They invent the expression *civilized warfare* to emphasize a distinction they would fain think inherent in the nature of things; and look, by its help, even on the mode of killing an enemy, with a moral vision that is absurdly distorted. How few of us, for example, but see the utmost barbarity in sticking a man with an assegai, yet none whatever in doing so with a bayonet! And why should we pride ourselves on not mutilating the dead, while we have no scruples as to the extent to which we mutilate the living? We are shocked at the mention of barbarian tribes who poison their arrows, or barb their darts, yet ourselves think nothing of the frightful gangrenes caused by the copper cap in the Minié rifle-ball, and reject on the score of the expense of the change, the proposal that bullets of soft lead, which cause needless pain, should no longer be used among the civilized powers for small-arm ammunition.[1]

But while the difference in these respects between barbarism and civilization is thus one that rather touches the surface than the substance of war, the result is inevitably in either state a different code of military etiquette and sentiment, though the difference is far less than in any other points of comparison between them. When the nations of Christendom therefore came in contact with unknown and savage races, whose customs seemed different from their own and

[1] As at the Brussels Conference, 1874, when such a proposal was made by the member for Sweden and Norway.

little worthy of attention, they assumed that the latter recognized no laws of war, much as some of the earlier travelers denied the possession or faculty of speech to people whose language they could not interpret. From which assumption the practical inference followed, that the restraints which were held sacred between enemies who inherited the same traditions of military honor had no need to be observed in hostilities with the heathen world. It is worth while, therefore, to show how baseless was the primary assumption, and how laws of war, in no way dissimilar to those of Europe, may be detected in the military usages of barbarism.

To spare the weak and helpless was and is a common rule in the warfare of the less civilized races. The Guanches of the Canary Islands, says an old Spanish writer, "held it as base and mean to molest or injure the women and children of the enemy, considering them as weak and helpless, therefore improper objects of their resentment; neither did they throw down or damage houses of worship."[1] The Samoans considered it cowardly to kill a woman:[2] and in America the Sioux Indians and Winnebagoes, though barbarous enough in other respects, are said to have shown the conventional respect to the weaker sex.[3] The Basutos of South Africa, whatever may be their customs now, are declared by Casalis, one of the first French Protestant missionaries to their country, to have respected in their wars the persons of women,

[1] In Pinkerton, xvi. 817.

[2] Turner's *Nineteen Years in Samoa*, 304.

[3] Schoolcraft's *Indian Tribes*, iv. 52.

children and travelers, and to have spared all prisoners who surrendered, granting them their liberty on the payment of ransom.[1]

Few savage races were of a wilder type than the Abipones of South America; yet Dobritzhoffer, the Jesuit missionary, assures us not only that they thought it unworthy of them to mangle the bodies of dead Spaniards, as other savages did, but that they generally spared the unwarlike, and carried away boys and girls uninjured. The Spaniards, Indians, negroes, or mulattoes whom they took in war they did not treat like captives, but with kindness and indulgence like children. Dobritzhoffer never saw a prisoner punished by so much as a word or a blow, but he bears testimony to the compassion and confidence often displayed to captives by their conquerors. It is common to read of the cruelty of the Red Indians to their captives; but Loskiel, another missionary, declares that prisoners were often adopted by the victors to supply the place of the slain, and that even Europeans, when it came to an exchange of prisoners, sometimes refused to return to their own countrymen. In Virginia notice was sent before war to the enemy, that in the event of their defeat, the lives of all should be spared who should submit within two days' time.

Loskiel gives some other rather curious testimony about the Red Indians. "When war was in contemplation they used to admonish each other to hearken to the good and not to the evil spirits, the former always recommending peace. They seem," he adds with surprise, "to have had no idea of the devil as

[1] *The Basutos*, 223.

the prince of darkness before the Europeans came into the country." The symbol of peace was the burial of the hatchet or war-club in the ground; and when the tribes renewed their covenants of peace, they exchanged certain belts of friendship which were singularly expressive. The principal belt was white, with black streaks down each side and a black spot at each end: the black spots represented the two people, and the white streak between them signified, that the road between them was now clear of all trees, brambles and stones, and that every hindrance was therefore removed from the way of perfect harmony.

The Athenians used the same language of symbolism when they declared war by letting a lamb loose into the enemy's country: this being equivalent to saying, that a district full of the habitations of men should shortly be turned into a pasture for sheep.[1]

The Fijians used to spare their enemy's fruit-trees; the Tongan islanders held it as sacrilege to fight within the precincts of the burial place of a chief, where the greatest enemies were obliged to meet as friends.

Most of the lower races recognize the inviolability of ambassadors and heralds, and have well-established emblems of a truce or armistice. The wish for peace which the Zulu king in vain sought from his English invaders by the symbol of an elephant's tusk (1879), was conveyed in the Fiji islands by a whale's tooth, in the Sandwich by a young plantain tree or green branch of the ti plant, and among most North American tribes by a white flag of skin or bark.

[1] Potter's *Grecian Antiquities*, ii. 69.

The Samoan symbol for an act of submission in deprecation of further hostilities conveys some indication of the possible origin of these pacific symbols. The conquered Samoan would carry to his victor some bamboo sticks, some firewood, and some small stones; for as a piece of split bamboo was the original Samoan knife, and small stones and firewood were used for the purpose of roasting pigs, this symbol of submission was equivalent to saying: "Here we are, your pigs, to be cooked if you please, and here are the materials wherewith to do it."[1] In the same way the elephant's tusk or the whale's tooth may be a short way of saying to the victor: "Yours is the strength of the elephant or the whale; we recognize the uselessness of fighting with you."

In the same way many savage tribes take the greatest pains to impress the terms of treaties as vividly as possible on the memory of the contracting parties by striking and intelligible ceremonies. In the Sandwich Islands a wreath woven conjointly by the leaders of either side and placed in a temple was the chief symbol of peace. On the Fiji Islands, the combatant forces would meet and throw down their weapons at one another's feet. The Tahitians wove a wreath of green boughs, furnished by each side; exchanged two young dogs; and having also made a band of cloth together, deposited the wreath and the band in the temple, with imprecations on the side which should first violate so solemn a treaty of peace.[2] On the Hervey Islands, the token of the cessation of war was the breaking of a number of spears against

[1] Turner's *Samoa*, 298. [2] Ellis's *Polynesian Researches*, i. 275.

a large chestnut tree; the almost imperishable coral tree was planted in the valleys to signify the hope that the peace might last as long as the tree; and after the drum of peace had been solemnly beaten round the island, it was unlawful for any man to carry a weapon, or to cut down any iron-wood, which he might turn into an implement of destruction.

Even our custom of proclaiming that a war is not undertaken against a people but against its rulers is not unknown in savage life. The Ashantee army used to strew leaves on their march, to signify that their hostility was not with the country they passed through but only with the instigators of the war: they told the Fantees that they had no war with them collectively, but only with some of them.[1] How common a military custom this appeal to the treason of an enemy is, notwithstanding the rarity of its success, every body knows. When, for instance, the Anglo-Zulu war began, it was solemnly proclaimed that the British Government had no quarrel with the Zulu people; it was a war against the Zulu king, not against the Zulu nation. (Jan. 11, 1879.) So were the Ashantees told by the English invading force; so were the Afghans; so were the Egyptians; and so were the French by the Emperor William before his merciless hordes laid waste and desolate some of the fairest provinces of France; so, no doubt, will be told the Soudan Arabs. And yet this appeal to treason, this premium on a people's disloyalty, is the regular precursor of wars, wherein destruction for its own sake, the burning of grain and villages for the

[1] Hutton's *Voyage to Africa*, 1821, 337.

mere pleasure of the flames, forms almost invariably the most prominent feature. The military view always prevails over the civil, of the meaning of hostilities that have no reference to a population, but only to its government. In the Zulu war, for instance, in spite of the above proclamation, the lieutenant-general ordered raids to be made into Zululand for the express purpose of burning empty kraals or villages; defending such procedure by the usual military logic, that the more the natives at large felt the strain of the war, the more anxious they would be to see it concluded; and it was quite in vain for the Lieutenant-Governor of Natal to argue that the burning of empty kraals would neither do much harm to the Zulus nor good to the English; and that whereas the war had been begun on the ground that it was waged against the Zulu king and not against his nation, such conduct was calculated to alienate from the invaders the whole of the Zulu people, including those who were well disposed to them. Such arguments hardly ever prevail over that passion for wanton destruction and for often quite unnecessary slaughter, which finds a ready and comprehensive shelter under the wing of military exigencies.

The assumption, therefore, that savage races are ignorant of all laws of war, or incapable of learning them, would seem to be based rather on our indifference about their customs than on the realities of the case, seeing that the preceding evidence to the contrary results from the most cursory inquiry. But whatever value there may be in our own laws of war, as helping to constitute a real difference between

savage and civilized warfare, the best way to spread the blessing of a knowledge of them would clearly be for the more civilized races to adhere to them strictly in all wars waged with their less advanced neighbors. An English commander, for instance, should no more set fire to the capital of Ashantee or Zululand for so paltry a pretext as the display of British power than he would set fire to Paris or Berlin; he should no more have villages or granaries burned in Africa or Afghanistan than he would in Normandy; and he should no more keep a Zulu envoy or truce-bearer in chains[1] than he would so deal with the bearer of a white flag from a Russian or Italian enemy.

The reverse principle, which is yet in vogue, that with barbarians you must or may be barbarous, leads to some curious illustrations of civilized warfare when it comes in conflict with the less civilized races. In one of the Franco-Italian wars of the sixteenth century, more than 2,000 women and children took refuge in a large mountain cavern, and were there suffocated by a party of French soldiers, who set fire to a quantity of wood, straw and hay, which they stacked at the mouth of the cave; but it was considered so shameful an act, that the Chevalier Bayard had two of the ringleaders hung at the cavern's mouth.[2] Yet when the French General Pélissier in this century suffocated the unresisting Algerians in their caves, it was even defended as no worse than the shelling of a fortress; and there is evidence that gun-cotton was not unfrequently used to blast the entrance to caves

[1] Colenso and Durnford's *Zulu War*, 364, 379.

[2] Petitot's *Mémoires*, xv. 329.

in Zululand in which men, women and children had hoped to find shelter against an army which professed only to be warring with their king.[1]

The following description of the way in which, in the Ashantee war, the English forces obtained native carriers for their transport service is not without its instruction in this respect :—

"We took to kidnapping upon a grand scale. Raids were made on all the Assin villages within reach of the line of march, and the men, and sometimes the women, carried off and sent up the country under guard, with cases of provisions. Lieutenant Bolton, of the 1st West India Regiment, rendered immense service in this way. Having been for some time commandant of Accra, he knew the coast and many of the chiefs ; and having a man-of-war placed at his disposal, he went up and down the coast, landing continually, having interviews with chiefs, and obtaining from them large numbers of men and women ; or when this failed, landing at night with a party of soldiers, surrounding villages, and sweeping off the adult population, leaving only a few women to look after the children. In this way, in the course of a month, he obtained several thousand of carriers."[2]

And then a certain school of writers talks of the love and respect for the British Empire which these exhibitions of our might are calculated to win from the inferior races ! The Ashantees are disgraced by the practice of human sacrifices, and the Zulus have many

[1] The evidence is collected in *Cetschwayo's Dutchman*, 99–103.

[2] Henty's *March to Coomassie*, 443. Compare Reade's *Ashantee Campaign*, 241–2.

a barbarous usage; but no amount of righteous indignation on that account justifies such dealings with them as those above described. If it does, we can no longer condemn the proceedings of the Spaniards in the New World. For we have to remember that it was not only the Christianity of the Inquisition, or Spanish commerce that they wished to spread; not mere gold nor new lands that they coveted, but that they also strove for such humanitarian objects as the abolition of barbarous customs like the Mexican human sacrifices. "The Spaniards that saw these cruel sacrifices," wrote a contemporary, the Jesuit Acosta, "resolved with all their power to abolish so detestable and cursed a butchery of men." The Spaniards of the sixteenth century were in intention or expression every whit as humane as we English of the nineteenth. Yet their actions have been a reproach to their name ever since. Cortez subjected Guatamozin, king of Mexico, to torture. Pizarro had the Inca of Peru strangled at the stake. Alvarado invited a number of Mexicans to a festival, and made it an opportunity to massacre them. Sandoval had 60 caziques and 400 nobles burned at one time, and compelled their relations and children to witness their punishment. The Pope Paul had very soon (1537) to issue a bull, to the effect that the Indians were really men and not brutes, as the Spaniards soon affected to regard them.

The whole question was, moreover, argued out at that time between Las Casas and Sepulveda, historiographer to the Emperor Charles V. Sepulveda contended that more could be effected against barbarism by a month of war than by 100 years of preaching;

and in his famous dispute with Las Casas at Valladolid in 1550, defended the justice of all wars undertaken against the natives of the New World, either on the ground of the latter's sin and wickedness, or on the plea of protecting them from the cruelties of their own fellow-countrymen; the latter plea being one to which in recent English wars a prominent place has been always given. Las Casas replied—and his reply is unanswerable—that even human sacrifices are a smaller evil than indiscriminate warfare. He might have added that military contact between people unequally civilized does more to barbarize the civilized than to civilize the barbarous population. It is well worthy of notice and reflection that the European battle-fields became distinctly more barbarous after habits of greater ferocity had been acquired in wars beyond the Atlantic, in which the customary restraints were forgotten, and the ties of a common human nature dissolved by the differences of religion and race.

The same effect resulted in Roman history, when the extended dominion of the Republic brought its armies into contact with foes beyond the sea. The Roman annalists bear witness to the deterioration that ensued both in their modes of waging war and in the national character.[1] It is in an Asiatic war that we first hear of a Roman general poisoning the springs;[2] in a war for the possession of Crete that the Cretan captives preferred to poison themselves rather than suffer the cruelties inflicted on them by Metellus;[3] in the

[1] Florus, ii. 19; iii. 4; Velleius Paterculus, ii. 1.
[2] Florus, ii. 20. [3] *Ibid.* iii. 7.

Thracian war that the Romans cut off their prisoners' hands, as Cæsar afterwards did those of the Gauls.[1] And we should remember that a practical English statesman like Cobden foresaw, as a possible evil result of the closer relations between England and the East, a similar deterioration in the national character of his countrymen. "With another war or two," he wrote, "in India and China, the English people would have an appetite for bull-fights if not for gladiators."[2]

Nor is there often any compensation for such results in the improved condition of the tribes whom it is sought to civilize after the method recommended by Sepulveda. The happiest fate of the populations he wished to see civilized by the sword was where they anticipated their extermination or slavery by a sort of voluntary suicide. In Cuba, we are told that "they put themselves to death, whole families doing so together, and villages inviting other villages to join them in a departure from a world that was no longer tolerable."[3] And so it was in the other hemisphere; the Ladrone islanders, reduced by the sword and the diseases of the Spaniards, took measures intentionally to diminish their numbers and to check population, preferring voluntary extinction to the foul mercies of the Jesuits: till now a lepers' hospital is the only building left on what was once one of the most populous of their islands.

It must, however, be admitted in justice to the Spaniards, that the principles which governed their dealings with heathen races infected more or less the

[1] Florus, iii. 4; Cæsar, *De Bello Gallico*, ix. 44.

[2] Morley's *Cobden*, ii. 355. [3] Sir A. Helps' *Las Casas*, 29.

conduct of colonists of all nationalities. A real or more often a pretended zeal for the welfare of native tribes came among all Christian nations to co-exist with the doctrine, that in case of conflict with them the common restraints of war might be put in abeyance. What, for instance, can be worse than this, told of the early English settlers in America by one of themselves? "The Plymouth men came in the meantime to Weymouth, and there pretended to feast the savages of those parts, bringing with them forks and things for the purpose, which they set before the savages. They ate thereof without any suspicion of any mischief, who were taken upon a watchword given, and with their own knives hanging about their necks were by the Plymouth planters stabbed and slain."[1]

[illegible]ng the early English settlers it soon came to be thought, says Mather, a religious act to kill an Indian. In the latter half of the seventeenth century both the French and English authorities adopted the custom of scalping and of offering rewards for the scalps of their Indian enemies. In 1690 the most healthy and vigorous Indians taken by the French "were sold in Canada, the weaker were sacrificed and scalped, and for every scalp they had a premium."[2] Caleb Lyman, who afterwards became an elder of a church at Boston, left an account of the way in which he himself and five Indians surprised a wigwam, and scalped six of the seven persons inside, so that each might receive the promised reward. On their petition

[1] T. Morton's *New England Canaan*, 1637, iii.

[2] Belknap's *New Hampshire*, i. 262.

to the great and general court they received 30*l.* each, and Penhallow says not only that they probably expected eight times as much, but that at the time of writing the province would have readily paid a sum of 800*l.* for a similar service.[1] Captain Lovewell, says the same contemporary eulogist of the war that lasted from July 1722 to December 1725, "from Dunstable with thirty volunteers went northward, who marching several miles up country came on a wigwam where were two Indians, one of whom they killed and the other took, for which they received the promised bounty of 100*l.* a scalp, and two shillings and sixpence a day besides." (December 19, 1724.)[2] At the surprise of Norridjwock "the number of dead which we scalped were 26, besides Mr. Rasle the Jesuit, who was a bloody incendiary."[3] It is evident that these very liberal rewards must have operated as a frequent cause of Indian wars, and made the colonists open-eared to tales of native outrages; indeed the whites sometimes disguised themselves like Indians, and robbed like Indians, in order, it would appear, the more effectually to raise the war-cry against them.[4]

Since the Spaniards first trained bloodhounds in Cuba to hunt the Indians, the alliance between soldiers and dogs has been a favorite one in barbarian warfare. The Portuguese used them in Brazil when

[1] Penhallow's *Indian Wars*, 1826, republished 1859, 31–3.

[2] *Ibid.* 105, 6.

[3] *Ibid.* 103. For further details of this debased military practice, see Adair's *History of American Indians*, 245; Kercheval's *History of the Valley of Virginia*, 263; Drake's *Biography and History of the Indians*, 210, 373; Sullivan's *History of Maine*, 251.

[4] Kercheval's *Virginia*, 113.

they hunted the natives for slaves.[1] And an English officer in a treatise he wrote in the last century as a sort of military guide to Indian warfare, suggested coolly: "Every light horseman ought to be provided with a bloodhound, which would be useful to find out the enemy's ambushes and to follow their tracks. They would seize the naked savages, and at least give time to the horsemen to come up with them."[2] In the Molucca Islands the use of two bloodhounds against a native chief was the cause of a great confederacy between all the Islands to shake off the Spanish and Portuguese yoke.[3] And even in the war waged by the United States in Florida from 1838 to 1840, General Taylor was authorized to send to Cuba for bloodhounds to scent out the Indians; nor, according to one account, was their aid resorted to in vain.[4]

Poison, too, has been called in aid. Speaking of the Yuta Indians, a traveler assures us that "as in Australia, arsenic and corrosive sublimate in springs and provisions have diminished their number."[5] And in the same way "poisoned rum helped to exterminate the Tasmanians."[6]

But there is worse yet in this direction. The Portuguese in Brazil, when the importation of slaves from Africa rendered the capture of the natives less

[1] Eschwege's *Brazil*, i. 186; Tschudi's *Reisen durch Südamerika*, i. 262.

[2] Parkman's *Expedition against Ohio Indians*, 1764, 117.

[3] Argensola, *Les Isles Molucques*, i. 60.

[4] Drake's *Biography and History of the Indians*, 489, 490.

[5] R. C. Burton's *City of the Saints*, 576; Eyre's *Central Australia*, i. 175-9.

[6] Borwick's *Last of the Tasmanians*, 58.

desirable than their extermination, left the clothes of persons who had died of small-pox or scarlet fever to be found by them in the woods.[1] And the caravan traders from the Missouri to Santa Fé are said by the same method or in presents of tobacco to have communicated the small-pox to the Indian tribes of that district in 1831.[2] The enormous depopulation of most tribes by the small-pox since their acquaintance with the tribes is one of the most remarkable results in the history of their mutual connection; nor is it likely ever to be known to what extent the coincidence was accidental.

It is pleasant to turn from these practical illustrations of the theory that no laws of war need be regarded in hostilities with savage tribes to the only recorded trial of a contrary system, and to find, not only that it is associated with one of the greatest names in English history, but also that the success it met with fully justifies the suspicion and disfavor with which the commoner usage is beginning to be regarded. The Indians with whom Penn made his famous treaty in 1682 (of which Voltaire said that it was the only treaty that was never ratified by an oath, and the only treaty that was never broken), were of the same Algonquin race with whom the Dutch had scarcely ever kept at peace, and against whom they had warred in the customary ruthless fashion of those times. The treaty was based on the principle of an adjustment of differences by a tribunal of an equal number of

[1] Tschudi's *Reisen*, ii. 262.

[2] Maccoy's *Baptist Indian Missions*, 441; Froebel's *Seven Years in Central America*, 272; Wallace's *Travels on the Amazon*, 326.

Red men and of White. "Penn," says the historian, "came without arms; he declared his purpose to abstain from violence, he had no message but peace, and not one drop of Quaker blood was ever shed by an Indian."[1] For more than seventy years, from 1682 to 1754, when the French war broke out, in short, during the whole time that the Quakers had the principal share in the government of Pennsylvania, the history of the Indians and Whites in that province was free from the tale of murders and hostilities that was so common in other districts; so that the single instance in which the experiment of equal laws and forbearance has been patiently persevered in, can at least boast of a success that, in support of the contrary system, it were very difficult to find for an equal number of years in any other part of the world.

It may also be said against Sepulveda's doctrine, that the habits of a higher civilization, where they are really worth spreading, spread more easily and with more permanent effect among barbarous neighbors by the mere contagion of a better example than by the teaching of fire and sword. Some of the Dyak tribes in Borneo are said to have given up human sacrifices from the better influences of the Malays on the coast district.[2] The Peruvians, according to Prescott, spread their civilization among their ruder neighbors more by example than by force. "Far from provoking hostilities, they allowed time for the salutary example of their own institutions to work

[1] Bancroft's *United States*, ii. 383–5; and compare Clarkson's *Life of Penn*, chaps. 45 and 46.

[2] Brooke's *Ten Years in Sarawak*, i. 74.

its effect, trusting that their less civilized neighbors would submit to their scepter from a conviction of the blessings it would secure to them." They exhorted them to lay aside their cannibalism, their human sacrifices, and their other barbarities; they employed negotiations, conciliatory treatment, and presents to leading men among the tribes; and only if all these means failed did they resort to war, but to war which at every stage was readily open to propositions of peace, and in which any unnecessary outrage on the persons or property of their enemy was punished with death.

Something will have been done for the cause of this better method of civilizing the lower races, if we forewarn and forearm ourselves against the symptoms of hostilities with them by a thorough understanding of the conditions which render such hostilities probable. For as an outbreak of fever is to some extent preventable by a knowledge of the conditions which make for fevers, so may the outbreak of war be averted by a knowledge of the laws which govern their appearance. The experience which we owe to history in this respect is amply sufficient to enable us to generalize with some degree of confidence and certainty as to the causes or steps which produce wars or precede them; and from the remembrance of our dealings with the savage races of South Africa we may forecast with some misgivings the probable course or our connection with a country like New Guinea.

A colony of Europeans in proximity with barbarian neighbors naturally desires before long an

increase of territory at the expense of the latter. The first sign of such a desire is the expedition of missionaries into the country, who not only serve to spy it out for the benefit of the colony, but invariably weaken the native political force by the creation of a division of feeling, and of an opposition between the love of old traditions and the temptation of novel customs and ideas. The innovating party, being at first the smaller, consisting of the feeblest and poorest members of the community, and of those who gladly flock to the mission-stations for refuge from their offenses against tribal law, the missionaries soon perceive the impossibility of further success without the help of some external aid. The help of a friendly force can alone turn the balance of influence in their favor, and they soon learn to contemplate with complacency the advantages of a military conquest of the natives by the colony or mother-country. The evils of war are canceled, in their eyes, by the delusive visions of ultimate benefit, and, in accordance with a not uncommon perversion of the moral sense, an end that is assumed to be religious is made to justify measures that are the reverse.

When the views and interests of the colonial settlers and of the missionaries have thus, inevitably but without design, fallen into harmony, a war is certain to be not far distant. Apparently accidental, it is in reality as certain as the production of green from a mixture of blue and yellow. Some dispute about boundaries, some passing act of violence, will serve for a reason of quarrel, which will presently be supported by a fixed array of collateral pretexts.

The press readily lends its aid; and in a week the colony trembles or affects to tremble from a panic of invasion, and vials of virtue are expended on the vices of the barbarians which have been for years tolerated with equanimity or indifference. Their customs are painted in the blackest colors; the details of savage usages are raked up from old books of travel; rumors of massacres and injuries are sedulously propagated; and the whole country is represented as in such a state of anarchy, that the majority of the population, in their longing for deliverance from their own rulers, would gladly welcome even a foreign conqueror. In short, a war against them comes speedily to be regarded as a war in their behalf, as the last word of philanthropy and beneficence; and the atrocities that subsequently ensue are professedly undertaken, not against the unfortunate people who endure them, but to liberate them from the ruler of their choice or sufferance, in whose behalf, however, they fight to the death.

To every country, therefore, which would fain be spared from these discreditable wars with barbarian tribes on the borders of its colonies, it is clear that the greatest caution is necessary against the abuses of missionary propagandism. The almost absolute failure of missions in recent centuries, and more especially in the nineteenth, is intimately associated with the greater political importance which the improved facilities of travel and intercourse have conferred upon them. Every one has heard how Catholicism was persecuted in Japan, till at last the very profession of Christianity was made a capital crime in that part of

the world. But a traveler, who knew the East intimately at the time, explains how it was that the Jesuits' labors resulted so disastrously. On the outbreak of civil dissensions in Japan, "the Christian priests thought it a proper time for them to settle their religion on the same foundation that Mahomet did his, by establishing it in blood. Their thoughts ran on nothing less than extirpating the heathen out of the land, and they framed a conspiracy of raising an army of 50,000 Christians to murder their countrymen, that so the whole island might be illuminated by Christianity such as it was then."[1] And in the same way, a modern writer, speaking of the very limited success of missions in India, has asserted frankly that "in despair many Christians in India are driven to wish and pray that some one, or some way, may arise for converting the Indians by the sword."[2]

Nor are the heathen themselves blind to the political dangers which are involved in the presence of missionaries among them. All over the world conversion is from the native point of view the same thing as disaffection, and war is dreaded as the certain consequence of the adoption of Christianity. The French bishop, Lefebvre, when asked by the mandarins of Cochin China, in 1847, the purpose of his visit, said that he read in their faces that they suspected him "of having come to excite some outbreak among the neophytes, and perhaps prepare the way for an European army;" and the king was "afraid to see

[1] Captain Hamilton's *East Indies*, in Pinkerton, viii. 514.

[2] W. H. Russell's *My Diary in India*, 150.

Christians multiply in his kingdom, and in case of war with European Powers, combine with his enemies."[1] How right events have proved him to have been!

The story is the same in Africa. "Not long after I entered the country," said the missionary, Mr. Calderwood, of Caffraria, "a leading chief once said to me, 'When my people become Christians, they cease to be my people.'"[2] The Norwegian missionaries were for twenty years in Zululand without making any converts but a few destitute children, many of whom had been given to them out of pity by the chiefs,[3] and their failure was actually ascribed by the Zulu king to their having taught the incompatibility of Christianity with allegiance to a heathen ruler.[4] In 1877, a Zulu of authority expressed the prevalent native reasoning on this point in language which supplies the key to disappointments that extend much further than Zululand: "We will not allow the Zulus to become so-called Christians. It is not the king says so, but every man in Zululand. If a Zulu does any thing wrong, he at once goes to a mission-station, and says he wants to become a Christian; if he wants to run away with a girl, he becomes a Christian; if he wishes to be exempt from serving the king, he puts on clothes, and is a Christian; if a man is an umtagati (evil-doer), he becomes a Christian."[5]

It is on this account that in wars with savage

[1] *Annals of the Propagation of the Faith*, viii. 280–6.
[2] *Caffres and Caffre Missions*, 210.
[3] *Memorials of Henrietta Robertson*, 259, 308, 353. [4] *Ibid.* 353.
[5] Colenso and Durnford's *Zulu War*, 215.

nations the destruction of mission-stations has always been so constant an episode. Nor can we wonder at this when we recollect that in the Caffre war of 1851, for instance, it was a subject of boast with the missionaries that it was Caffres trained on the mission-stations who had preserved the English posts along the frontiers, carried the English despatches and fought against their own countrymen for the preservation and defense of the colony.[1] It is rather a poor result of all the money and labor that has been spent in the attempt to Christianize South Africa, that the Wesleyan mission-station at Edendale should have contributed an efficient force of cavalry to fight against their countrymen in the Zulu campaign ; and we may hesitate whether most to despise the missionaries who count such a result as a triumph of their efforts, or the converts whom they reward with tea and cake for military service with the enemies of their countrymen.[2]

It needs no great strain of intelligence to perceive that this use of mission-stations as military training-schools scarcely tends to enhance the advantages of conversion in the minds of the heathen among whom they are planted.

For these reasons, and because it is becoming daily more apparent that wars are less a necessary evil than an optional misery of human life, the principal measure for a country which would fain improve, and live at peace with, the less civilized races which touch the numerous borders of its empire, would be the legal

[1] Holden's *History of Natal*, 210, 211.

[2] Moister's *Africa, Past and Present*, 310, 311.

restraint or prevention of missionary enterprise; a proposal that will appear less startling if we reflect that in no quarter of the globe can that method of civilizing barbarism point to more than local or ephemeral success. The Protestant missions of this century are in process of failure, as fatal and decided as that which befel the Catholic missions of the French, Portuguese or Spanish, in the sixteenth and seventeenth centuries, and very much from the same causes. The English wars in South Africa, with which the Protestant missionaries have been so closely connected, have frustrated all attempts to Christianize that region, just as "the fearful wars occasioned directly or indirectly by the missionaries" sent by the Portuguese to the kingdoms of Congo and Angola in the sixteenth century rendered futile similar attempts on the West Coast.[1]

The same process of depopulation under Protestant influences may now be observed in the Sandwich Islands or New Zealand that reduced the population of Hispaniola, under Spanish Christianity, from a million to 14,000 in a quarter of a century.[2] No Protestant missionary ever labored with more zeal than Eliot did in America in the seventeenth century, but the tribes he taught have long since been extinct; "like one of their own forest trees, they have withered from core to bark;"[3] and, in short, the history of both Catholic and Protestant missions alike maybe summed

[1] Tams's *Visit to Portuguese Possessions*, i. 181, ii. 28, 179.

[2] Robertson's *America;* Works, vi. 177, 205.

[3] Thomson's *Great Missionaries*, 30; Halkett's *Indians of North America*, 247, 249, 256.

up in this one general statement: either they have failed altogether of results on a sufficient scale to be worthy of notice, or the impartial page of history unfolds to us one uniform tale of civil war, persecution, conquest and extirpation in whatever regions they can boast of more at least of the semblance of success.

Another measure in the interest of peace would be the organization of a class of well-paid officials whose duty it should be to examine on the spot into the truth of all rumors of outrages or atrocities which are circulated from time to time, in order to set the tide of public opinion in favor of hostile measures. Such rumors may, of course, have some foundation, but in nine cases out of ten they are false. So lately as the year 1882, the *Times* and other English papers were so far deceived as to give their readers a horrible account of the sacrifice of 200 young girls to the spirits of the dead in Ashantee; and people were beginning to ask themselves whether such things could be suffered within reach of an English army, when it was happily discovered that the whole story was fictitious. Stories of this sort are what the Germans call *Tendenzlügen*, or lies invented to produce a certain effect. Their effect in rousing the war-spirit is undeniable; and, although the healthy skepticism which has of recent years been born of experience affords us some protection, no expenditure could be more economical than one which should aim at rendering them powerless by neutralizing them at the fountain-head.

In the preceding historical survey of the relations in war between communities standing on different

levels of civilization, the allusion, among some of the rudest tribes, to laws of war very similar to those supposed to be binding between more polished nations tends to discredit the distinction between civilized and barbarian warfare. The progress of knowledge threatens the overthrow of the distinction, just as it has already reduced that between organic and inorganic matter, or between animal and vegetable life, to a distinction founded rather on human thought than on the nature of things. And it is probable that the more the military side of savage life is studied, the fewer will be found to be the lines of demarkation which are thought to establish a difference in kind in the conduct of war by belligerents in different stages of progress. The difference in this respect is chiefly one of weapons, of strategy, and of tactics; and it would seem that whatever superiority the more civilized community may claim in its rules of war is more than compensated in savage life both by the less frequent occurrence of wars and by their far less fatal character.

But, however much the frequency and ferocity of the wars waged by barbarian races as compared with those waged by civilized nations has been exaggerated, there is no doubt but that in warfare, more than in any thing else, there is most in common between civilization and savagery, and that the distinction between them most nearly disappears. In art and knowledge and religion the distinction between the two is so wide that the evolution of one from the other seems still to many minds incredible; but in war, and the thoughts which relate to it, the points

of analogy can not fail to strike the most indifferent. We see still in either condition, the same notions of the glory of fighting, the same belief in war as the only source of strength and honor, the same hope from it of personal advancement, the same readiness to seize any pretext for resorting to it, the same foolish sentiment that it is mean to live without it.

Then only will the distinction between the two be final, complete and real, when all fighting is relegated to barbarism, and regarded as unworthy of civilized humanity ; when the enlightenment of opinion, which has freed us already from such curses as slavery, the torture-chamber, or dueling, shall demand instinctively the settlement of all causes of quarrel by peaceful arbitration, and leave to the lower races and the lower creation the old-fashioned resort to a trial of violence and might, the competition in fraud and ferocity

CHAPTER VII.

WAR AND CHRISTIANITY.

Etsi adierant milites ad Joannem et formam observationis acceperant, si etiam centurio crediderat, omnem postea militem Dominus in Petro exarmando discinxit.—TERTULLIAN.

The war question at the time of the Reformation—The remonstrances of Erasmus against the custom—Influence of Grotius on the side of war—The war question in the early Church—The Fathers against the lawlessness of war—Causes of the changed views of the Church—The clergy as active combatants for over one thousand years—Fighting Bishops—Bravery in war and ecclesiastical preferment—Pope Julius II. at the siege of Mirandola—The last fighting Bishop—Origin and meaning of the declaration of war—Superstition in the naming of weapons, ships, etc.—The custom of kissing the earth before a charge—Connection between religious and military ideas—The Church as a pacific agency—Her efforts to set limits to reprisals—The altered attitude of the modern Church—Early reformers only sanctioned just wars—Voltaire's reproach against the Church—Canon Mozley's sermon on war—The answer to his apology.

WHETHER military service was lawful for a Christian at all was at the time of the Reformation one of the most keenly debated questions; and considering the force of opinion arrayed on the negative side, its ultimate decision in the affirmative is a matter of more wonder than is generally given to it. Sir Thomas More charges Luther and his disciples with carrying the doctrines of peace to the extreme limits of non-resistance; and the views on this subject of

the Mennonites and Quakers were but what at one time seemed not unlikely to have been those of the Reformed Church generally.

By far the foremost champion on the negative side was Erasmus, who being in Rome at the time when the League of Cambray, under the auspices of Julius II., was meditating war against the Republic of Venice, wrote a book to the Pope, entitled "Antipolemus," which, though never completed, probably exists in part in his tract known under the title of "Dulce Bellum inexpertis," and printed among his "Adagia." In it he complained, as one might complain still, that the custom of war was so recognized as an incident of life that men wondered there should be any to whom it was displeasing; and likewise so approved of generally, that to find any fault with it savored not only of impiety, but of actual heresy. To speak of it, therefore, as he did in the following passage, required some courage: "If there be any thing in the affairs of mortals which it is the interest of men not only to attack, but which ought by every possible means to be avoided, condemned and abolished, it is of all things war, than which nothing is more impious, more calamitous, more widely pernicious, more inveterate, more base, or in sum more unworthy of a man, not to say of a Christian." In a letter to Francis I. on the same subject, he noticed as an astonishing fact, that out of such a multitude of abbots, bishops, archbishops and cardinals as existed in the world, not one of them should step forward to do what he could, even at the risk of his life, to put an end to so deplorable a practice.

The failure of this view of the custom of war, which is in its essence more opposed to Christianity than the custom of selling men for slaves or sacrificing them to idols, to take any root in men's minds, is a misfortune on which the whole history of Europe since Erasmus forms a sufficient commentary. That failure is partly due to the unlucky accident which led Grotius in this matter to throw all his weight into the opposite scale. For this famous jurist, entering at much length into the question of the compatibility of war with the profession of Christianity (thereby proving the importance which in his day still attached to it), came to conclusions in favor of the received opinion, which are curiously characteristic both of the writer and his time. His general argument was, that if a sovereign was justified in putting his own subjects to death for crimes, much more was he justified in using the sword against people who were not his subjects, but strangers to him. And this absurd argument was enforced by considerations as feeble as the following: that laws of war were laid down in the book of Deuteronomy; that John the Baptist did not bid the soldiers, who consulted him, to forsake their calling, but to abstain from extortion and be content with their wages; that Cornelius the centurion, whom St. Peter baptized, neither gave up his military life, nor was exhorted by the apostle to do so; that the Emperor Constantine had many Christians in his armies, and the name of Christ inscribed upon his banners; and that the military oath after his time was taken in the name of the Three Persons of the Trinity.

One single reflection will suffice to display the utter shallowness of this reasoning, which was after all only borrowed from St. Augustine. For if Biblical texts are a justification of war, they are clearly a justification of slavery; while, on the other hand, the general spirit of the Christian religion, to say nothing of several positive passages, is at least equally opposed to one custom as to the other. If then the abolition of slavery is one of the services for which Christianity as an influence in history claims a large share of the credit, its failure to abolish the other custom must in fairness be set against it; for it were easier to defend slave-holding out of the language of the New Testament than to defend military service, far more being actually said there to inculcate the duty of peace than to inculcate the principles of social equality: and the same may be said of the writings of the Fathers.

The different attitude of the Church toward these two customs in modern times, her vehement condemnation of the one, and her tolerance or encouragement of the other, appears all the more surprising when we remember that in the early centuries of our era her attitude was exactly the reverse, and that, while slavery was permitted, the unlawfulness of war was denounced with no uncertain or wavering voice.

When Tertullian wrote his treatise "De Corona" (201) concerning the right of Christian soldiers to wear laurel crowns, he used words on this subject which, even if at variance with some of his statements made in his "Apology" thirty years earlier, may be taken to express his maturer judgment. "Shall the

son of peace" (that is, a Christian), he asks, "act in battle when it will not befit him even to go to law? Shall he administer bonds and imprisonments and tortures and punishments who may not avenge even his own injuries? . . . The very transference of his enrollment from the army of light to that of darkness is sin." And again: "What if the soldiers did go to John and receive the rule of their service, and what if the centurion did believe; the Lord by his disarming of Peter disarmed every soldier from that time forward." Tertullian made an exception in favor of soldiers whose conversion was subsequent to their enrollment (as was implied in discussing their duty with regard to the laurel-wreath), though insisting even in their case that they ought either to leave the service, as many did, or to refuse participation in its acts, which were inconsistent with their Christian profession. So that at that time Christian opinion was clearly not only averse to a military life being entered upon after baptism (of which there are no instances on record), but in favor of its being forsaken, if the enrollment preceded the baptism. The Christians who served in the armies of Rome were not men who were converts or Christians at the time of enrolling, but men who remained with the colors after their conversion. If it is certain that some Christians *remained* in the army, it appears equally certain that no Christian at that time thought of *entering* it.

This seems the best solution of the much-debated question, to what extent Christians served at all in the early centuries. Irenæus speaks of the Christians in

the second century as not knowing how to fight, and Justin Martyr, his contemporary, considered Isaiah's prophecy about the swords being turned into plowshares as in part fulfilled, because his co-religionists, who in times past had killed one another, did not then know how to fight even with their enemies. The charge made by Celsus against the Christians, that they refused to bear arms even in case of necessity, was admitted by Origen, but justified on the ground of the unlawfulness of war. "We indeed," he says, "fight in a special way on the king's behalf, but we do not go on campaigns with him, even should he press us to do so; we do battle on his behalf as a peculiar army of piety, prevailing by our prayers to God for him." And again: "We no longer take up the sword against people, nor learn to make war any more, having become through Jesus, who is our general, sons of peace." Nothing could be clearer nor more conclusive than this language; and the same attitude towards war was expressed or implied by the following Fathers in chronological order: Justin Martyr, Tatian, Clement of Alexandria, Tertullian, Cyprian, Lactantius, Archelaus, Ambrose, Chrysostom, Jerome, and Cyril. Eusebius says that many Christians in the third century laid aside the military life rather than abjure their religion. Of 10,050 pagan inscriptions that have been collected, 545 were found to belong to pagan soldiers, while of 4,734 Christian inscriptions of the same period, only 27 were those of soldiers; from which it seems rather absurd to infer, as a French writer has inferred, not that there was a great disproportion of Christian to

pagan soldiers in the imperial armies, but that most Christian soldiers being soldiers of Christ did not like to have it recorded on their epitaphs that they had been in the service of any *man*.[1]

On the other hand, there were certainly always some Christians who remained in the ranks after their conversion, in spite of the military oath in the names of the pagan deities and the quasi-worship of the standards which constituted some part of the early Christian antipathy to war. This is implied in the remarks of Tertullian, and stands in no need of the support of such legends as the Thundering Legion of Christians, whose prayers obtained rain, or of the Theban legion of 6,000 Christians martyred under Maximian. It was left as a matter of individual conscience. In the story of the martyr Maximian, when Dion the proconsul reminded him that there were Christian soldiers among the life-guards of the Emperors, the former replied, "They know what is best for them to do; but I am a Christian and can not fight." Marcellus, the converted centurion, threw down his belt at the head of his legion, and suffered death rather than continue in the service; and the annals of the early Church abound in similar martyrdoms. Nor can there be much doubt but that a love of peace and dislike of bloodshed were the principal causes of this early Christian attitude toward the military profession, and that the idolatry and other pagan rites connected with it only acted as minor and secondary deterrents. Thus, in the Greek Church St. Basil would have excluded from communion for

[1] Le Blant, *Inscriptions Chrêtiennes*, i. 86.

three years any one who had shed an enemy's blood; and a similar feeling explains Theodosius' refusal to partake of the Eucharist after his great victory over Eugenius. The canons of the Church excluded from ordination all who had served in an army after baptism; and in the fifth century Innocent I. blamed the Spanish churches for their laxity in admitting such persons into holy orders.[1]

The anti-military tendency of opinion in the early period of Christianity appears therefore indisputable, and Tertullian would probably have smiled at the prophet who should have predicted that Christians would have ceased to keep slaves long before they should have ceased to commit murder and robbery under the fiction of hostilities. But it proves the strength of the original impetus, that Ulphilas, the first apostle to the Goths, should purposely, in his translation of the Scriptures, have omitted the books of Kings, as too stimulative of a love of war.

How utterly in this matter Christianity came to forsake its earlier ideal is known to all. This resulted partly from the frequent use of the sword for the purpose of conversion, and partly from the rise of the Mahometan power, which made wars with the infidel appear in the light of acts of faith, and changed the whole of Christendom into a kind of vast standing military order. But it resulted still more from that compromise effected in the fourth century between paganism and the new religion, in which the former retained more than it lost, and the latter gave less than it received. Considering that the Druid priests

[1] Bingham, *Christian Antiquities*, i. 486.

of ancient Gaul or Britain, like those of pagan Rome, were exempt from military service,[1] and often, according to Strabo, had such influence as to part combatants on the point of an engagement, nothing is more remarkable than the extent to which the Christian clergy, bishops and abbots came to lead armies and fight in battle, in spite of canons and councils of the Church, at a time when that Church's power was greater, and its influence wider, than it has ever been since. Historians have scarcely given due prominence to this fact, which covers a period of at least a thousand years; for Gregory of Tours mentions two bishops of the sixth century who had killed many enemies with their own hands, whilst Erasmus, in the sixteenth, complains of bishops taking more pride in leading three or four hundred dragoons, with swords and guns, than in a following of deacons and divinity students, and asks, with just sarcasm, why the trumpet and fife should sound sweeter in their ears than the singing of psalms or the words of the Bible.

In the fourteenth century, when war and chivalry were at their height, occurred a remarkable protest against this state of things from Wycliffe, who, in this, as in other respects, anticipated the Reformation: "Friars now say that bishops can fight best of all men, and that it falleth most properly to them, since they are lords of all this earth. They say, Christ bade his disciples sell their coats, and buy them swords; but whereto, if not to fight? Thus friars

[1] Cæsar, *De Bello Gallico*, vi. 14. "Druides a bello abesse consuerunt . . . militiæ vacationem habent;" and Origen, *In Celsum*, viii. 73, for the Romans.

make a great array, and stir up men to fight. But Christ taught not his apostles to fight with a sword of iron, but with the sword of God's word, which standeth in meekness of heart and in the prudence of man's tongue. . . . If manslaying in others be odious to God, much more in priests who should be vicars of Christ." And Wycliffe proceeds not only to protest against this, but to advocate the general cause of peace on earth, on grounds which he is aware that men of the world will scorn and reject as fatal to the existence of kingdoms.[1]

It was no occasional, but an inveterate practice, and, apparently, common in the world, long before the system of feudalism gave it some justification by the connection of military service with the enjoyment of lands. Yet it has now so completely disappeared that—as a proof of the possible change of thought which may ultimately render a Christian soldier as great an anomaly as a fighting bishop—it is worth recalling from history some instances of so curious a custom. "The bishops themselves—not all, but many,"—says a writer of King Stephen's reign, "bound in iron, and completely furnished with arms, were accustomed to mount war-horses with the perverters of their country, to share in their spoil; to bind and torture the knights whom they took in the chance of war, or whom they met full of money."[2] It was at the battle of Bouvines (1214) that the famous Bishop of Beauvais fought with a club instead of a sword, out of respect for the rule of the canon

[1] Vaughan's *Life of Wycliffe*, ii. 212–3.

[2] Turner's *England*, iv. 458, from Duchesne, *Gesta Stephani*.

which forbade an ecclesiastic to shed blood. Matthew Paris tells the story how Richard I. took the said bishop prisoner, and when the Pope begged for his release as being his own son and a son of the Church, sent to Innocent III. the episcopal coat of mail, with the inquiry whether he recognized it as that of his son or a son of the Church; to which the Pope had the wit to reply that he could not recognize it as belonging to either.[1] The story also bears repeating of the impatient knight who, sharing the command of a division at the battle of Falkirk with the Bishop of Durham, cried out to his slower colleague, before closing with the Scots, "It is not for you to teach us war; to your mass, bishop!" and therewith rushed with his followers into the fray (1298).[2]

It is, however, needless to multiply instances, which, if Du Cange may be credited, became more common during the devastation of France by the Danes in the ninth century, when all the military aid that was available became a matter of national existence. That event rendered Charlemagne's capitulary a dead letter, by which that monarch had forbidden any ecclesiastic to march against an enemy, save two or three bishops to bless the army or reconcile the combatants, and a few priests to give absolution and celebrate the mass.[3] It appears that this law was

[1] "Non filius meus est vel ecclesiæ; ad regis autem voluntatem redimetur, quia potius Martis quam Christi miles judicatur."

[2] Turner's *England*, v. 92.

[3] "Sanxit ut nullus in posterum sacerdos in hostem pergeret, nisi duo vel tres episcopi electione cæterorum propter benedictionem populique reconciliationem, et cum illis electi sacerdotes qui bene scirent populis pœnitentias dare, missas celebrare, etc." (in *Du Cange*, "Hostis").

made in response to an exhortation by Pope Adrian II. similar to one addressed in the previous century by Pope Zachary to Charlemagne's ancestor, King Pepin. But though military service and the tenure of ecclesiastical benefices became more common from the time of the Danish irruptions, instances are recorded of abbots and archbishops who chose rather to surrender their temporalities than to take part in active service; and for many centuries the whole question seems to have rested on a most uncertain footing, law and custom demanding as a duty that which public and ecclesiastical opinion condoned, but which the Church herself condemned.

It is a signal mark of the degree to which religion became enveloped in the military spirit of those miserable days of chivalry, that ecclesiastical preferment was sometimes the reward of bravery on the field, as in the case of that chaplain to the Earl of Douglas who, for his courage displayed at the battle of Otterbourne, was, Froissart tells us, promoted the same year to a canonry and archdeaconry at Aberdeen.

Vasari, in his "Life of Michael Angelo," has a good story which is not only highly typical of this martial Christianity, but may be also taken to mark the furthest point of divergence reached by the Church in this respect from the standpoint of her earlier teaching. Pope Julius II. went one day to see a statue of himself which Michael Angelo was executing. The right hand of the statue was raised in a dignified attitude, and the artist consulted the Pope as to whether he should place a book in the left. "Put a sword into it," quoth Julius, "for of letters I know but

little." This was the Pope of whom Bayle says that never man had a more warlike soul, and of whom, with some doubt, he repeats the anecdote of his having thrown into the Tiber the keys of St. Peter, with the declaration that he would thenceforth use the sword of St. Paul. However this may be, he went in person to hasten the siege of Mirandola, in opposition to the protests of the cardinals and to the scandal of Christendom (1510). There it was that to encourage the soldiers he promised them, that if they exerted themselves valiantly he would make no terms with the town, but would suffer them to sack it;[1] and though this did not occur, and the town ultimately surrendered on terms, the head of the Christian Church had himself conveyed into it by the breach.

The scandal of this proceeding contributed its share to the discontent which produced the Reformation; and that movement continued still further the disfavor with which many already viewed the connection of the clergy with actual warfare. It has, however, happened occasionally since that epoch that priests of martial tastes have been enabled to gratify them, the custom having become more and more rare, as public opinion grew stronger against it. The last recorded instance of a fighting divine was, it would seem, the Bishop of Derry, who, having been raised to that see by William III. in gratitude for the distinguished bravery with which, though a clergyman, he had conducted the defense of Londonderry against

[1] Guicciardini. "Prometteva che se i soldati procedevano virilmente, che non accetterebbe la Mirandola con alcuno patto: ma lascierebbe in potestà loro il saccheggiarla."

the forces of James II., and for which the University of Oxford rewarded him with the title of Doctor of Divinity, was shot dead at the battle of the Boyne. He had, says Macaulay, "during the siege in which he had so highly distinguished himself, contracted a passion for war," but his zeal to gratify it on that second occasion cost him the favor of the king. It is, however, somewhat remarkable that history should have called no special attention to the last instance of a bishop who fought and died upon a battle-field, nor have sufficiently emphasized the great revolution of thought which first changed a common occurrence into something unusual, and finally into a memory that seems ridiculous. No historical fact affords a greater justification than this for the hope that, absurd as is the idea of a fighting bishop to our own age, that of a fighting Christian may be to our posterity.

As bishops were in the middle ages warriors, so they were also the common bearers of declarations of war. The Bishop of Lincoln bore, for instance, the challenge of Edward III. and his allies to Charles V. at Paris; and greatly offended was the English king and his council when Charles returned the challenge by a common valet—they declared it indecent for a war between two such great lords to be declared by a mere servant, and not by a prelate or a knight of valor.

The declaration of war in those times appears to have meant simply a challenge or defiance like that then and afterwards customary in a duel. It appears to have originated out of habits that governed the relations between the feudal barons. We learn from Froissart that when Edward was made Vicar of the German

Empire an old statute was renewed which had before been made at the emperor's court, to the effect that no one, intending to injure his neighbor, might do so without sending him a defiance three days beforehand. The following extract from the challenge of war sent by the Duke of Orleans, the brother of the King of France, to Henry IV. of England, testifies to the close resemblance between a declaration of war and a challenge to a deed of arms, and to the levity which often gave rise to either: "I, Louis, write and make known to you, that with the aid of God and the blessed Trinity, in the desire which I have to gain renown, and which you likewise should feel, considering idleness as the bane of lords of high birth who do not employ themselves in arms, and thinking I can no way better seek renown than by proposing to you to meet me at an appointed place, each of us accompanied with 100 knights and esquires, of name and arms without reproach, there to combat till one of the parties shall surrender; and he to whom God shall grant the victory shall do with his prisoners as he pleases. We will not employ any incantations that are forbidden by the Church, but make use of the bodily strength given us by God, with armor as may be most agreeable to every one for the security of his person, and with the usual arms, that is, lance, battle-ax, sword, and dagger . . . without aiding himself by any bodkins, hooks, bearded darts, poisoned needles or razors, as may be done by persons unless they are positively ordered to the contrary. . . ."[1] Henry IV. answered the challenge with some contempt, but

[1] Monstrelet, i. 9.

expressed his readiness to meet the duke in single combat, whenever he should visit his possessions in France, in order to prevent any greater effusion of Christian blood, since a good shepherd, he said, should expose his own life for his flock. It even seemed at one time as if wars might have resolved themselves into this more rational mode of settlement. The Emperor Henry IV. challenged the Duke of Swabia to single combat. Philip Augustus of France is said to have proposed to Richard I. to settle their differences by a combat of five on each side; and when Edward III. challenged the realm of France, he offered to settle the question by a duel or a combat of 100 men on each side, with which the French king would, it appears, have complied, had Edward consented to stake the kingdom of England against that of France.

In the custom of naming the implements of war after the most revered names of the Christian hagiology may be observed another trace of the close alliance that resulted between the military and spiritual sides of human life, somewhat like that which prevailed in the sort of worship paid to their lances, pikes, and battle-axes by the ancient Scandinavians.[1] Thus the two first forts which the Spaniards built in the Ladrone Islands they called respectively after St. Francis Xavier and the Virgin Mary. Twelve ships in the Armada were called after the Twelve Apostles, and so were twelve of his cannons by Henry VIII., one of which, St. John by name, was captured by the French in 1513.[2] It is probable that mere irreverence

[1] Crichton's *Scandinavia*, i. 170.

[2] *Mémoires du Fleurange*. Petitot, xvi. 253.

had less to do with this custom than the hope thereby of obtaining favor in war, such as may also be traced in the ceremony of consecrating military banners, which has descended to our own times.[1]

To the same order of superstition belongs the old custom of falling down and kissing the earth before starting on a charge or assault of battle. The practice is alluded to several times in Montluc's Commentaries, but so little was it understood by a modern French editor that in one place he suggests the reading *baissèrent la tête* (they lowered their heads) for *baisèrent la terre* (they kissed the earth). But the latter reading is confirmed by passages elsewhere; as, for instance, in the "Memoirs of Fleurange," where it is stated that Gaston de Foix and his soldiers kissed the earth, according to custom, before proceeding to march against the enemy;[2] and, again, in the "Life of Bayard," by his secretary, who records it among the virtues of that knight that he would rise from his bed every night to prostrate himself at full length on the floor and kiss the earth.[3] This kissing of the earth was an abbreviated form of taking a particle of it in the mouth, as both Elmham and Livius mention to have been done by the English at Agincourt before attacking the French; and this again was an abbreviated form of receiving the sacrament, for Villani says of the Flemish at Cambray (1302) that they made a priest go all over the field with the sacred elements, and that, instead of communicating,

[1] See Palmer, *Origines Liturgicæ*, ii. 362–65, for the form of service.
[2] *Petitot*, xvi. 229. [3] *Ibid.* 135.

each man took a little earth and put it into his mouth.[1] This seems a more likely explanation than that the custom was intended as a reminder to the soldier of his mortality, as if in a trade like his there could be any lack of testimony of that sort.

It is curious to observe how war in every stage of civilization has been the central interest of public religious supplication ; and how, from the pagans of old to modern savages, the pettiest quarrels and conflicts have been deemed a matter of interest to the immortals. The Sandwich islanders and Tahitians sought the aid of their gods in war by human sacrifices. The Fijians before war were wont to present their gods with costly offerings and temples, and offer with their prayers the best they could of land crabs or whales' teeth ; being so convinced that they thereby insured to themselves the victory, that once, when a missionary called the attention of a war party to the scantiness of their numbers, they only replied, with disdainful confidence, "Our allies are the gods." The prayer which the Roman pontifex addressed to Jupiter on behalf of the Republic at the opening of the war with Antiochus, king of Syria, is extremely curious: "If the war which the people has ordered to be waged with King Antiochus shall be finished after the wish of the Roman senate and people, then to thee, O Jupiter, will the Roman people exhibit the great games for ten successive days, and offerings shall be presented at all the shrines of such value as the senate shall

[1] Petitot, viii. 55. "Feciono venire per tutto il campo un prete parato col corpo di Christo, e in luogo di communicarsi ciascuno prese uno poco di terra, e la si mise in boca."

decree."[1] This rude state of theology, wherein a victory from the gods may be obtained for a fair consideration in exchange, tends to keep alive, if it did not originate, that sense of dependence on invisible powers which constitutes the most rudimentary form of religion; for it is a remarkable fact that the faintest notions of supernatural agencies are found precisely among tribes whose military organizations or love for war is the lowest and least developed. In proportion as the war-spirit is cultivated does the worship of war-presiding deities prevail; and since these are formed from the memories of warriors who have died or been slain, their attributes and wishes remain those of the former earthly potentate, who, though no longer visible, may still be gratified by presents of fruit, or by slaughtered oxen or slaves.

The Khonds of Orissa, in India, afford an instance of this close and pernicious association between religious and military ideas, which may be traced through the history of many far more advanced communities. For though they regard the joy of the peace dance as the very highest attainable upon earth, they attribute, not to their own will, but to that of their war god, Loha Pennu, the source of all their wars. The devastation of a fever or tiger is accepted as a hint from that divinity that his service has been too long neglected, and they acquit themselves of all blame for a war begun for no better reason, by the following philosophy of its origin: "Loha Pennu said to himself, Let there be war, and he forthwith entered into all weapons, so that from instruments of peace

[1] Livy, xxxvi. 2.

they became weapons of war; he gave edge to the ax and point to the arrow; he entered into all kinds of food and drink, so that men in eating and drinking were filled with rage, and women became instruments of discord instead of soothers of anger." And they address this prayer to Loha Pennu for aid against their enemies: "Let our axes crush cloth and bones as the jaws of the hyena crush its prey. Make the wounds we give to gape. . . . When the wounds of our enemies heal, let lameness remain. Let their stones and arrows fall on us as the flowers of the mowa-tree fall in the wind. . . . Make their weapons brittle as the long pods of the karta-tree."

In their belief that wars were of external causation to themselves, and in their endeavor to win by prayer a favorable issue to their appeal to arms, it could scarcely be maintained that the nations of Christendom have at all times shown any marked superiority over the modern Khonds. But in spite of this and of the fierce military character that Christianity ultimately assumed, the Church always kept alive some of her earlier traditions about peace, and even in the darkest ages set some barriers to the common fury of the soldier. When the Roman Empire was overthrown, her influence in this direction was in marked contrast with what it has been ever since. Even Alaric when he sacked Rome (410) was so far affected by Christianity as to spare the churches and the Christians who fled to them. Leo the Great, Bishop of Rome, inspired even Attila with respect for his priestly authority, and averted his career of conquest from Rome; and the same bishop, three years

later (455), pleaded with the victorious Genseric that his Vandals should spare the unresisting multitude and the buildings of Rome, nor allow torture to be inflicted on their prisoners. At the instance of Gregory II., Luitprand, the Lombard king, withdrew his troops from the same city, resigned his conquests, and offered his sword and dagger on the tomb of St. Peter (730).

Yet more praiseworthy and perhaps more effective were the efforts of the Church from the tenth century onwards to check that system of private war which was then the bane of Europe, as the system of public and international wars has been since. In the South of France several bishops met and agreed to exclude from the privileges of a Christian in life and after death all who violated their ordinances directed against that custom (990). Only four years later the Council of Limoges exhorted men to swear by the bodies of the saints that they would cease to violate the public peace. Lent appears to have been to some extent a season of abstinence from fighting as from other pleasures, for one of the charges against Louis le Débonnaire was that he summoned an expedition for that time of the year.

In 1032 a bishop of Aquitaine declared himself the recipient of a message from heaven, ordering men to cease from fighting; and, not only did a peace, called the Truce of God, result for seven years, but it was resolved that such peace should always prevail during the great festivals of the Church, and from every Thursday evening to Monday morning. And the regulation for one kingdom was speedily extended

over Christendom, confirmed by several Popes, and enforced by excommunication.[1] If such efforts were not altogether successful, and the wars of the barons continued till the royal power in every country was strong enough to suppress them, it must none the less be recognized that the Church fought, if she fought in vain, against the barbarism of a military society, and with an ardor that is in striking contrast with her apathy in more recent history.

It must also be granted that the idea of what the Papacy might do for the peace of the world, as the supreme arbiter of disputes and mediator between contending powers, gained possession of men's minds, and entered into the definite policy of the Church about the twelfth century, in a manner that might suggest reflection for the nineteenth. The name of Gerohus de Reigersperg is connected with a plan for the pacification of the world, by which the Pope was to forbid war to all Christian princes, to settle all disputes between them, and to enforce his decisions by the greatest powers that have ever yet been devised for human authority—namely, by excommunication and deposition. And the Popes attempted something of this sort. When, for instance, Innocent III. bade the King of France to make peace with Richard I., and was told that the dispute concerned a matter of feudal relationship with which the Pope had no right of interference, he replied that he interfered by right of his power to censure what he thought sin, and quite irrespective of feudal rights. He also refused to

[1] Robertson, *Charles V.*, note 21. Ryan, *History of the Effects of Religion on Mankind*, 124.

consider the destruction of places and the slaughter of Christians as a matter of no concern to him ; and Honorius III. forbade an attack upon Denmark, on the ground that that kingdom lay under the special protection of the Papacy.[1]

The clergy, moreover, were even in the most warlike times of history the chief agents in negotiations for peace, and in the attempt to set limits to military reprisals. When, for instance, the French and English were about to engage at Poitiers, the Cardinal of Perigord spent the whole of the Sunday that preceded the day of battle in laudable but ineffectual attempts to bring the two sides to an agreement without a battle. And when the Duke of Anjou was about to put 600 of the defenders of Montpellier to death by the sword, by the halter and by fire, it was the Cardinal of Albany and a Dominican monk who saved him from the infamy of such a deed by reminding him of the duty of Christian forgiveness.

In these respects it must be plain to every one that the attitude and power of the Church have entirely changed. She has stood apart more and more as time has gone on from her great opportunities as a promoter of peace. Her influence, it is notorious, no longer counts for any thing, where it was once so powerful, in the field of negotiation and reconcilement. She lifts no voice to denounce the evils of war, nor to plead for greater restraint in the exercise of reprisals and the abuse of victory. She lends no aid to teach the duty of forbearance and friendship between nations, to diminish their idle jealousies, nor to explain the real

[1] M. J. Schmidt, *Histoire des Allemands traduite, etc.,* iv. 232, 3.

identity of their interests. It may even be said, without risk of contradiction, that whatever attempt has been made to further the cause of peace upon earth or to diminish the horrors of the customs of war has come, not from the Church, but from the school of thought to which she has been most opposed, and which she has studied most persistently to revile.

In respect, too, of the justice of the cause of war, the Church within recent centuries has entirely vacated her position. It is noticeable that in the 37th article of the English Church, which is to the effect that a Christian at the command of the magistrate may wear weapons and serve in the wars, the word *justa*, which in the Latin form preceded the word *bella* or wars, has been omitted.[1] The leaders of the Reformation decided on the whole in favor of the lawfulness of military service for a Christian, but with the distinct reservation that the cause of war should be just. Bullinger, who was Zwingli's successor in the Reformed Church at Zurich, decided that though a Christian might take up arms at the command of the magistrate, it would be his duty to disobey the magistrate if he purposed to make war on the guiltless; and that only the death of those soldiers on the battle-field was glorious who fought for their religion or their country. Thomas Becon, chaplain to Archbishop Cranmer, complained of the utter disregard of a just and patriotic motive for war in the code of military ethics then prevalent. Speaking of the fighters of his day, he thus characterized their position in the State: "The rapacity

[1] "Christianis licet ex mandato magistratus arma portare et *justa* bella administrare."

of wolves, the violence of lions, the fierceness of tigers is nothing in comparison of their furious and cruel tyranny; and yet do many of them this not for the safeguard of their country (for so it would be the more tolerable), but to satisfy their butcher-like affects, to boast another day of how many men they have been the death, and to bring home the more preys that they may live the fatter ever after for these spoils and stolen goods."[1] From military service he maintained that all considerations of justice and humanity, had been entirely banished, and their stead been taken by robbery and theft, "the insatiable spoiling of other men's goods, and a whole sea of barbarous and beast-like manners." In this way the necessity of a just cause as a reason for taking part in actual warfare was reasserted at the time of the reformation, and has only since then been allowed to drop out of sight altogether; so that now public opinion has no guide in the matter, and even less than it had in ancient Rome, the attitude of the church towards the State on this point being rather that of Anaxarchus the philosopher to Alexander the Great, when, to console the conqueror for his murder of Clitus he said to him: "Know you not that Jupiter is represented with law and justice at his side, to show that whatever is done by sovereign power is right?"

Considering, therefore, that no human institution yet devised or actually in existence has had or has a moral influence or facilities for exercising it at all equal to that enjoyed by the Church, it is all the more to be regretted that she has never taken any real interest in the abolition of a custom which is at

[1] *Policy of War a True Defense of Peace*, 1543.

the root of half the crime and misery with which she has to contend. Whatever hopes might at one time have been reasonably entertained of the reformed church as an anti-military agency, the cause of peace soon sank into a sort of heresy, or what was worse, an unfashionable tenet, associated, condemned, and contemned with other articles of religious dissent. "Those who condemn the profession or art of soldiery," said Sir James Turner, "smell rank of anabaptism and quakery." [1]

It would be difficult to find in the whole range of history any such example of wasted moral force. As Erasmus had cause to deplore it in the sixteenth century, so had Voltaire in the eighteenth. The latter complained that he did not remember a single page against war in the whole of Bourdaloue's sermons, and he even suggested that the real explanation might be a literal want of courage on the part of the clergy. The passage is worth quoting from the original both for its characteristic energy of expression and for its clear insight into the real character of the custom of war :—" Pour les autres moralistes à gages que l'on nomme prédicateurs, ils n'ont jamais seulement osé prêcher contre la guerre. . . . Ils se gardent bien de décrier la guerre, qui réunit tout ce que la perfidie a de plus lâche dans les manifestes, tout ce que l'infâme friponnerie a de plus bas dans les fournitures des armées, tout ce que le brigandage a d'affreux dans le pillage, le viol, le larcin, l'homicide, la dévastation, la destruction. Au contraire, ces bons prêtres bénissent en cérémonie les étendards de meurtre ; et leurs con-

[1] *Pallas Armata*, 369, 1683.

frères chantent pour de l'argent des chansons juives, quand la terre a été inondée de sang." [1]

If Voltaire's reproach is unjust, it can of course be easily refuted. The challenge is a fair one. Let him be convicted of overstating his charge, by the mention of any ecclesiastic of mark from either the Catholic or the Protestant school within the last two centuries whose name is associated with the advocacy of the mitigation or the abolition of contests of force; or any war in the same period which the clergy of either denomination have as a body resisted either on the ground of the injustice of its origin or of the ruthless cruelty with which it has been waged. Whatever has yet been attempted in this direction, or whatever anti-military stimulus has been given to civilization, has come distinctly from men of the world or men of letters, not from men of distinction in the Church: not from Fénelon or Paley, but from William Penn, the Abbé St-Pierre (whose connection with the Church was only nominal), from Vattel, Voltaire and Kant. In other words, the Church has lost her old position of spiritual ascendency over the consciences of mankind, and has surrendered to other guides and teachers the influence she once exercised over the world.

This is especially the case with our own Church; for before the most gigantic evil of our time, her pulpit stands mute, and colder than mute. Whatever sanction or support a body like the Peace Society has met with from the Church or churches of England during its seventy years' struggle on behalf of human

[1] In his treatise *Du droit de la guerre.*

ity has been, not the general rule, but the rare exception; and recent events would even seem to show that the voice of the pulpit, so far from ever becoming a pacific agency, is destined to become in the future the great tocsin of war, the loudest clamorer for counsels of aggression.

This attitude on the part of the Church having become more and more marked and conspicuous, as wars in recent centuries have become more frequent and more fierce, it was not unnatural that some attempt should at last have been made to give some sort of justification of a fact which has undoubtedly become an increasing source of perplexity and distress to all sincere and reflective Christians. In default of a better, let us take the justification offered by Canon Mozley in his sermon on "War," preached before the University of Oxford on March 12, 1871, of which the following summary conveys a faithful, though of necessity an abbreviated reflection. The main points dwelt upon in that explanation or apology are: that Christianity, by its original recognition of the division of the world into nations, with all their inherent rights, thereby recognized the right of war, which was plainly one of them; that the Church, never having been constituted a judge of national questions or motives, can only stand neutral between opposing sides, contemplating war as it were forensically, as a mode of international settlement that is amply justified by the want of any other; that a natural justice is inherent not only in wars of self-defense, but in wars for rectifying the political distribution of the world's races or nationalities, and in

wars that aim at progress and improvement; that the spirit of self-sacrifice inseparable from war confers upon it a moral character that is in special harmony with the Christian type; that as war is simply the working out of a problem by force, there is no more hatred between the individual combatants than there is in the working out of an argument by reasoning, "the enmity is in the two wholes—the abstractions—the individuals are at peace;" that the impossibility of a substitution of a universal empire for independent nations, or of a court of arbitration, bars all hope of the attainment of an era of peace through the natural progress of society; that the absence of any head to the nations of the world constitutes a defect or want of plan in its system, which, as it has been given to it by nature, can not be remedied by other means; that it is no part of the mission of Christianity to reconstruct that system, or rather want of system, of the world, from which war flows, nor to provide another world for us to live in; but that, nevertheless, Christianity only sanctions it through the medium of natural society, and on the hypothesis of a world at discord with itself.

One may well wonder that such a tissue of irrelevant arguments could have been addressed by any man in a spirit of seriousness to an assembly of his fellows. Imagine such utterances being the last word of Christianity! Surely a son of the Church were more recognizable under the fighting Bishop of Beauvais' coat of mail than under the disguise of such language as this. Why should it be assumed, one might ask, that the existence of distinct nations,

each enjoying the power, and therefore the right to make war upon its neighbors, is incompatible with the existence of an international morality which should render the exercise of the war-right impossible, or very difficult; or that the Church, had she tried, could have contributed nothing to so desirable a result? It is begging the question altogether to contend that a state of things is impossible which has never been attempted, when the very point at issue is whether, had it been attempted, it might not by this time have come to be realized. The right of the medieval barons and their vassals to wage private war together belonged once as much to the system, or want of system of the world as the right of nations to attack one another in our own or an earlier period of history; yet so far was the Church, even in those days, from shrinking from contact with so barbarous a custom as something beyond her power or her mission, that she was herself the main social instrument that brought it to an end. The great efforts made by the Church to abolish the custom of private war have already been mentioned: a point which Canon Mozley, perhaps, did wisely to ignore. Yet there is, surely, no sufficient reason why the peace of the world should be an object of less interest to the Church in these days than it was in those; or why her influence should be less as one chief element in the natural progress of society than it was when she fought to release human society from the depraving custom of the right of private war. It is impossible to contend that, had the Church inculcated the duties of the individual to other nations as well as to his own, in the way to which human reason

would naturally respond, such a course would have had no effect in solving the problem of enabling separate nationalities to co-exist in a state of peace as well as independence. It is at least the reverse of self-evident that the promotion of feelings of international fraternity, the discouragement of habits of international jealousy, the exercise of acts of international friendship, the teaching of the real identity of international interests, in all of which the pulpit might have lent, or might yet lend, an invaluable aid, would have had, or would still have any detrimental effect on the political system of distinct nationalities, or on the motives and actions of a rational patriotism. It is difficult to believe that the denunciations of a Church whose religious teaching had power to restrain the military fury of an Alaric or a Genseric would have been altogether powerless over the conduct of those German hordes whose military excesses in France, in 1870, have left a lasting blot on their martial triumph and the character of their discipline; or that her efforts on behalf of peace, which more than a thousand years ago effectually reconciled the Angles and Mercians, the Franks and Lombards, would be wasted in helping to remove any standing causes of quarrel that may still exist between France and Germany, England and Russia, Italy and Austria.

There are, indeed, hopeful signs, in spite of Canon Mozley's apology of despair, that the priesthood of Christendom may yet re-awake to a sense of its power and opportunities for removing from the world an evil custom which lies at the root of almost every other, and is the main cause and sustenance of crime

and pauperism and disease. It is possible that we have already passed the worst period of indifference in this respect, or that it may some day prove only to have been connected with the animosities of rival sects, ever ready to avail themselves of the chances that war between different nations might severally bring to their several petty interests. With the subsidence of such animosities, it were reasonable to expect the Church to re-assert the more genuine principle of her action and attitude — that no evil incident to human society is to be regarded as irremediable till every resource has been exhausted to cope with it, and every outlet of escape from it been proved to be a failure. Then, but not till then, is it becoming in Christian priests to utter the language of helplessness; then, but not till then, should the Church fold her hands in despair.

CHAPTER VIII.

CURIOSITIES OF MILITARY DISCIPLINE.

La discipline n'est que l'art d'inspirer aux soldats plus de peur de leurs officiers que des ennemis.—HELVETIUS.

Increased severity of discipline—Limitation of the right of matrimony—Compulsory Church parade, and its origin—Atrocious military punishments—Reasons for the military love of red—The origin of bear-skin hats—Different qualities of bravery—Historical fears for the extinction of courage—The conquests of the cause of peace—Causes of the unpopularity of military service—The dullness of life in the ranks—The prevalence of desertion—Articles of war against malingering—Military artificial ophthalmia—The debasing influence of discipline illustrated from the old flogging system—The discipline of the Peninsular army—Attempts to make the service more popular by raising the private's wages, by shortening his term of service—The old recruiting system of France and Germany—The conscription imminent in England—The question of military service for women—The probable results of the conscription—Militarism answerable for Socialism.

TWO widely different conceptions of military discipline are contained in the words of an English writer of the seventeenth century, and in those of the French philosopher, Helvetius, in the eighteenth century. There is a fine ring of the best English spirit in the sentence of Gittins: "A soldier ought to fear nothing but God and dishonor." And there is the true French wit and insight in that of Helvetius: "Discipline is but the art of inspiring soldiers with more

fear for their own officers than they have for the enemy."[1]

But the difference involved lies less in the national character of the writers than in the lapse of time between them, discipline having by degrees gained so greatly in severity that a soldier had come to be regarded less as a moral free agent than as a mechanical instrument, who, if he had any fear left for God and dishonor, felt it in a very minor degree to that which he cherished for his colonel or commander. This is the broad fact which explains and justifies the proposition of Helvetius; though no one, recollecting the evil of the days of looser discipline, might see cause to regret the change which deprived a soldier almost entirely of the moral liberty that naturally belonged to him as a man.

The tendency of discipline to become more and more severe has of course the effect of rendering military service less popular, and consequently recruiting more difficult, without, unhappily, any corresponding diminution in the frequency of wars, which are independent of the hirelings who fight them. Were it otherwise, something might be said for the military axiom, that a soldier enjoys none of the common rights of man. There is therefore no gain from any point of view in denying to the military class the enjoyment of the rights and privileges of ordinary humanity.

The extent of this denial and its futility may be shown by reference to army regulations concerning marriage and religious worship. In the Prussian

[1] *L'Esprit*, i. 562.

army, till 1870, marriages were legally null and void and the offspring of them illegitimate in the case of officers marrying without royal consent, or of subordinate officers without the consent of the commander of their regiments. But after the Franco-German war, so great was the social disorder found to be consequent upon these restrictions, that a special law had to be made to remove the bar of illegitimacy from the marriages in question.[1] In the English army the inability of privates to marry before the completion of seven years' service, and the possession of at least one badge, and then only with the consent of the commanding officer, is a custom so entirely contrary to the liberty enjoyed in other walks of life, that, whatever its incidental advantages, it can scarcely fail to act as a deterring motive when the choice of a career becomes a subject of reflection.

The custom of what is known in the army as church parade affords another instance of the unreasonable curtailments of individual liberty that are still regarded as essential to discipline. A soldier is drummed to church just as he is drummed to the drill-ground or the battle-field. His presence in church is a matter of compulsion, not of choice or conviction; and the general principle that such attendance is valueless unless it is voluntary is waived in his case as in that of very young children, with whom, in this respect, he is placed on a par. If we inquire for the origin of the practice, we shall probably find it in certain old Saxon and imperial articles of war, which show that the prayers of the military were formerly

[1] *Strafgesetzbuch*, Jan. 20, 1872, 15, 75, 150.

regarded as equally efficacious with their swords in obtaining victories over their enemies; and therefore as a very necessary part of their duty.[1] The American articles of war, since 1806, enact that "it is earnestly recommended to all officers and soldiers to attend divine service," thus obviating in a reasonable way the evils inevitably connected with a purely compulsory, and therefore humiliating, church parade.[2]

It may be that these restrictions of a soldier's liberty are necessary; but if they are, and if, as Lord Macaulay says, soldiers must, "for the sake of public freedom, in the midst of public freedom, be placed under a despotic rule," "must be subject to a sharper penal code and to a more stringent code of procedure than are administered by the ordinary tribunals," so that acts, innocent in the citizen or only punished slightly, become crimes, capitally punishable, when committed by them, then at least we need no longer be astonished that it should be almost as difficult to entrap a recruit as to catch a criminal.

But over and above the intrinsic disadvantages of military service, it would almost seem as if the war-presiding genii had of set purpose essayed to make it as distasteful as possible to mankind. For they have made discipline not merely a curtailment of liberty and a forfeiture of rights, but, as it were, an experiment on the extreme limits of human endurance. There has been no tyranny in the world, political, judicial, or ecclesiastic, but has had its parent and pattern in some military system. It has been from its armies more

[1] Fleming's *Volkommene Teutsche Soldat*, 96.
[2] Benet's *United States Articles of War*, 391.

than from its kings that our world has learned its lesson of arbitrary tribunals, tortures, and cruel punishments. The Inquisition itself could scarcely have devised a more excruciating punishment than the old English military one of riding the wooden horse, when the victim was made to sit astride planks nailed together in a sharp ridge, so as roughly to resemble a horse, with his hands tied behind him, and muskets fixed to his legs to drag them downwards; or again, than the punishment of the picket, in which the hand was fastened to a hook in a post above the head, and the man's suspended body left to be supported by his bare heel resting on a wooden stump, of which the end was cut to the sharpness of a sword point.[1] The punishment of running the gauntlet (from the German *Gassenlaufen*, street running, because the victim ran through the street between two lines of soldiers who tormented him on his course) is said to have been invented by Gustavus Adolphus; and is perhaps, from the fact of thus bringing the cruelty of many men to bear on a single comrade, the most cowardly form of torture that has ever yet found favor among military authorities.[2]

But the penal part of military discipline, with its red-hot irons, its floggings, and its various forms of death, is too repulsive to do more than glance at as testimony of the cruelty and despotism that have never been separated from the calling of arms. The art of the disciplinarian has ever been to bring such a

[1] Grose, ii. 199.

[2] See Turner's *Pallas Armata*, 349, for these and similar military tortures.

series of miseries to bear upon a man's life that the prospect of death upon the battle-field should have for him rather charms than terrors; and the tale of the soldier who, when his regiment was to be decimated, drew a blank without the fatal D upon it, and immediately offered it to a comrade, who had not yet drawn, for half-a-crown, shows at how cheap a rate men may be reduced to value their lives after experience of the realities of a military career.

Many of the devices are curious by which this indifference to life has been matured and sustained. In ancient Athens the public temples were closed to those who refused military service, who deserted their ranks or lost their bucklers; while a law of Charondas of Catana constrained such offenders to sit for three days in the public forum dressed in the garments of women. Many a Spartan mother would stab her son who came back alive from a defeat; and such a man, if he escaped his mother, was debarred not only from public offices but from marriage; exposed to the blows of all who chose to strike him; compelled to dress in mean clothing, and to wear his beard negligently trimmed. And in the same way a Norse soldier who fled, or lost his shield, or received a wound in any save the front part of his body, was by law prevented from ever afterwards appearing in public.[1]

There are, indeed, few military customs but have their origin and explanation in the artificial promotion of courage in the minds of the combatants. This is true even to the details and peculiarities of costume. English children are, perhaps, still taught that

[1] Crichton's *Scandinavia*, i. 168.

French soldiers wear red trowsers in order that the sight of blood may not frighten them in war-time; and doubtless French children imbibe a similar theory regarding the red coats of the English. The same reason was given by Julius Ferretus in the middle of the sixteenth century for the short red frock then generally worn by the military.[1] The first mention of red as a special military color in England is said to have been the order issued in 1526 for the coats of all yeoman of the household to be of red cloth.[2] But the color goes, at least, as far back as Lycurgus, the Spartan lawgiver, who chose it, according to Xenophon, because red is most easily taken by cloth and most lasting; according to Plutarch, that its brightness might help to raise the spirits of its wearers; or, according to Ælian and Valerius Maximus, in order to conceal the sight of blood, that raw soldiers might not be dispirited and the enemy proportionately encouraged.

The bear-skin hats, which still make some English regiments so ridiculous and unsightly, were originally no doubt intended to inspire terror. Evelyn, writing of the year 1678, says: "Now were brought into service a new sort of soldiers called Grenadiers, who were dexterous in flinging hand-grenades, every man having a handful. They had furred caps with coped crowns like Janizaries, which made them look very fierce; and some had long hoods hanging down behind as we picture fools." We may fairly identify the motive of such headgear with the result; and

[1] Grose ii. 6.

[2] Sir S. Scott's *History of the British Army*, ii. 436.

the more so since the looking fierce with the borrowed skins of bears was a well-known artifice of the ancient Romans. Thus Vegetius speaks of helmets as covered with bear-skins in order to terrify the enemy,[1] and Virgil has a significant description of a warrior as

Horridus in jaculis et pelle Libystidis ursæ.

We may trace the same motive again in the figures of fierce birds or beasts depicted on flags and shields and helmets, whence they have descended with less harmful purpose to crests and armorial bearings. Thus the Cimbri, whom Marius defeated, wore on their plume-covered helmets the head of some fierce animal with its mouth open, vainly hoping thereby to intimidate the Romans. The latter, before it became customary to display the images of their emperors on their standards, reared aloft the menacing representations of dragons, tigers, wolves, and such like; and the figure of a dragon in use among the Saxons at the time of the Conquest, and after that event retained by the early Norman princes among the ensigns of war,[2] may reasonably be attributed to the same motive. The legend of St. George killing the dragon, if it is not a survival of Theseus and the Minotaur, very likely originated as a myth, intended to be explanatory of the custom.

Lastly, under this head should be mentioned Villani's account of the English armor worn in the thirteenth century, where he describes how the pages

[1] ii. 16. "Omnes autem signarii vel signiferi quamvis pedites loricas minores accipiebant, et *galeas ad terrorem hostium ursinis pellibus tectas.*"

[2] Scott, ii. 9.

studied to keep it clean and bright, so that when their masters came to action their armor shone like looking glass and gave them a more terrifying appearance.[1] Was the result here again the motive, and must we look for the primary cause of the great solicitude still paid to the brightness of accouterments to the hope thereby to add a pang the more to the terror desirable to instill into an enemy?

Such were some of the artificial supports supplied to bravery in former times. But there is all the difference in the world between the bravery appealed to by our ancestors and that required since the revolution effected in warfare by the invention of gunpowder. Before that epoch, the use of catapults, bows, or other missiles did not deduct from the paramount importance of personal valor. The brave soldier of olden times displayed the bravery of a man who defied a force similar or equal to his own, and against which the use of his own right hand and intellect might help him to prevail; but his modern descendant pits his bravery mainly against hazard, and owes it to chance alone if he escape alive from a battle. However higher in kind may be the bravery required to face a shower of shrapnel than to contend against swords and spears, it is assuredly a bravery that involves rather a blind trust in luck than a rational trust in personal fortitude.

So thoroughly indeed was this change foreseen and appreciated that at every successive advance in the methods of slaughter curious fears for the total extinction of military courage have haunted minds too

[1] Scott, i. 311.

readily apprehensive, and found sometimes remarkable expression. When the catapult[1] was first brought from Sicily to Greece, King Archidamus saw in it the grave of true valor; and the sentiment against firearms, which led Bayard to exclaim, "C'est une honte qu'un homme de cœur soit exposé à périr par une miserable friquenelle," was one that was traceable even down to the last century in the history of Europe. For Charles XII. of Sweden is declared by Berenhorst to have felt keenly the infamy of such a mode of fighting; and Marshal Saxe held musketry fire in such contempt that he even went so far as to advocate the reintroduction of the lance, and a return to the close combats customary in earlier times.[2]

But our military codes contain no reflection of the different aspects under which personal bravery enters into modern, as compared with ancient warfare; and this omission has tended to throw governments back upon pure force and compulsion, as the only possible way of recruiting their regiments. The old Roman military punishments, such as cruelly scourging a man before putting him to death, afford certainly no models of a lenient discipline; but when we read of companies who lost their colors being for punishment only reduced to feed on barley instead of wheat, and reflect that death by shooting would be the penalty under the discipline of most modern nations[3] for an action bearing any complexion of cowardice, it is impossible to admit that a rational adjustment of punishments to

[1] Said to have been invented about 400 B. C. by Dionysius, tyrant of Syracuse.

[2] Mitchell's *Biographies of Eminent Soldiers*, 208, 287.

[3] Compare article 14 of the German *Strafgesetzbuch* of January 20, 1872.

offenses is at all better observed in the war articles of the moderns than in the military codes of pagan antiquity.

This, at least, is clear, from the history of military discipline, that only by the most repressive laws, and by a tyranny subversive of the commonest rights of men, is it possible to retain men in the fighting service of a country, after forcing or cajoling them into it. And this consideration fully meets the theory of an inherent love of fighting dominating human nature, such as that contended for in a letter from Lord Palmerston to Cobden, wherein he argues that man is by nature a fighting and quarreling animal. The proposition is true undoubtedly of some savage races, and of the idle knights of the days of chivalry, but, not even in those days, of the lower classes who incurred the real dangers of war, and still less of the unfortunate privates or conscripts of modern armies. Fighting is only possible between civilized countries, because discipline first fits men for war and for nothing else, and then war again necessitates discipline. Nor is anything gained by ignoring the conquests that have already been won over the savage propensity to war. Single States no longer suffer private wars within their boundaries, like those customary between the feudal barons; we decide most of our quarrels in law courts, not upon battle-fields, and wisely prefer arguments to arms. A population as large as that of Ireland and about double as large as that of all our colonies in Australia put together lives in London alone, not only without weapons of defense in their hands, but with so little taste for blood-

encounters that you may walk for whole days through its length and breadth without so much as seeing a single street-fight. If then this miracle of social order has been achieved, why not the wider one of that harmony between nations which requires but a little common-sense and determination on the part of those most concerned in order to become an accomplished reality?

The limitations of personal liberty already alluded to would of themselves suffice in a country of free institutions to render the military profession distasteful and unpopular. The actual perils of war, at no time greater than those of mines, railways, or merchant-shipping, would never alone deter men from service; so that we must look for other causes to explain the difficulty of recruiting and the frequency of desertion, which are the perplexity of military systems still based, as our own is, on the principle of voluntary, not compulsory enlistment.

What then makes a military life so little an object of desire in countries where it can be avoided is, more than its dangers, more even than its loss of liberty, its irredeemable and appalling dullness. The shades in point of cheerfulness must be few and fine which distinguish a barrack from a convict prison. In none of the employments of civil life is there any thing to compare with the unspeakable monotony of parades, recurring three or four times every day, varied perhaps in wet weather by the military catechism, and with the intervals of time spent in occupations of neither interest nor dignity. The length of time devoted to the mere cleaning and polishing of accouterments

is such, that the task has actually come to have the name "soldiering"; and the work which comes next in importance to this soldiering is the humble one of peeling potatoes for dinner. Even military greatcoats require on a moderate estimate half an hour or more every day to be properly folded, the penalty of an additional hour's drill being the probable result of any carelessness in this highly important military function. But for the attention thus given to military dress the author of the "Soldier's Pocket Book" supplies us with a reason: "The better you dress a soldier, the more highly he will be thought of by women and consequently by himself."

Still less calculated to lend attractiveness to the life of the ranks are the daily fatigue works, or extra duties which fall in turn on the men of every company, such as coal carrying, passage cleaning, gutter clearing and other like menial works of necessity.

But it is the long hours of sentry duty, popularly called "Sentry-go," which constitute the soldier's greatest bane. Guard duty in England, recurring at short periods, lasts a whole day and night, every four hours of the twenty-four being spent in full accouterments in the guard-room, and every intervening two hours on active sentry, thus making in all sixteen hours in the guard-room and eight on the sentry post. The voluntary sufferings of the saints, the tortures devised by the religious orders of olden days, or the self-inflicted hardships of sport, pale before the two hours' sentry-go on a winter's night. This it is that kills our soldiers more fatally than an enemy's cannon, and is borne with more admirable patience than even

the hardships of a siege. "After about thirty-one or thirty-two years of age," says Sir F. Roberts, "the private soldier usually ages rapidly, and becomes a veteran both in looks and habits;"[1] and this distinguished military commander points to excessive sentry duty as the cause.

But, possible as it thus is, by rigor of discipline, to produce in a soldier total indifference to death, by depriving him of every thing that makes life desirable, it is impossible to produce indifference to tedium; and a policy is evidently self-destructive which, by aiming exclusively at producing a mechanical character, renders military service itself so unpopular that only the young, the inexperienced, or the ill-advised will join the colors at all; that 10 per cent. of those who do join them will desert; and that the rest will regard it as the gala day of their lives when they become legally entitled to their discharge from the ranks.

In England about 10 per cent. of the recruits desert every year, as compared with 50 per cent. from the small army of the United States. The reason for so great a difference is probably not so much that the American discipline is more severe or dull than the English, as that in the newer country, where subsistence is easier, the counter-attractions of peaceful trades offer more plentiful inducements to desertion.

Desertion from the English ranks has naturally diminished since the introduction of the short-service system has set a visible term to the hardships of a military life. Adherence to the colors for seven or eight

[1] *Nineteenth Century*, November, 1882: "The Present State of the Army."

years, or even for twelve, which is now the longest service possible at the time of enlistment, and adherence to them for life, clearly place a very different complexion on the desirability of all illegal escape from them. So that, considering the reductions that have been made in the term of service, and the increase of pay made in 1867, and again in 1873, nothing more strongly demonstrates the national aversion of the English people to arms than the exceeding difficulty with which the ranks are recruited, and the high average of the percentage of desertions. If of recent years recruiting has been better, the explanation is simply that trade has been worse; statistics of recruiting being the best possible barometer of the state of the nation, since the scarcity or abundance of recruits varies concomitantly with the brisk or slack demand for labor in other employments.

In few things has the world grown more tolerant than in its opinion and treatment of desertion. Death was once its certain penalty, and death with every aggravation that brutal cruelty could add. Two of Rome's most famous generals were Scipio Æmilianus and Paulus Æmilius; yet the former consigned deserters to fight wild beasts at the public games, and the latter had them trodden to death by elephants.

A form of desertion, constituting one of the most curious but least noticed chapters in the history of military discipline, is that of Malingering, or the feigning of sickness, and self-mutilation, disabling from service. The practice goes far back into history. Cicero tells of a man who was sold for a slave for

having cut off a finger, in order to escape from a campaign in Sicily. Vegetius, the great authority on Roman discipline, speaks of soldiers who simulated sickness being punished as traitors;[1] and an old English writer on the subject says of the Romans: "Whosoever mutilated their own or their children's bodies so as thereby designedly to render them unfit to carry arms (a practice common enough in those elder times when all were pressed to the wars), were adjudicated to perpetual exile."[2]

The writer here referred to lived long before the days of the conscription, with which he fancied self-mutilation to be connected. And it certainly seems that whereas all the military codes of modern nations contain articles dealing with that offense, and decreeing penalties against it, there was less of it in the days before compulsory service. There is, for instance, no mention of it in the German articles of war of the seventeenth century, though the other military crimes were precisely those that are common enough still.[3]

But even in England, where soldiers are not yet military slaves, it has been found necessary to deal, by specific clauses in the army regulations, with a set of facts of which there is no notice in the war articles of the seventeenth or eighteenth century.[4] The inference therefore is, that the conditions of military service have become universally more disagreeable. The clauses in the actual war articles deserve to be quoted, that it may appear, by the provisions against it, to what lengths the arts of self-

[1] *De Re Militari*, vi. 5. [2] Bruce's *Military Law* (1717), 254.
[3] See Fleming's *Teutsche Soldat*, ch. 29.
[4] See the War Articles for 1673, 1749, 1794.

mutilation are carried by despairing men. The 81st Article of War provides punishment against any soldier in Her Majesty's army "who shall malinger, feign or produce disease or infirmity, or shall willfully do any act or willfully disobey any orders whether in hospital or otherwise, thereby producing or aggravating disease or infirmity or delaying his cure, . . . or who shall maim or injure himself or any other soldier, whether at the instance of such other soldier or not, or cause himself to be maimed or injured by any other person with intent thereby to render himself or such other soldier unfit for service, . . . or who shall tamper with his eyes with intent thereby to render himself unfit for service."

That it should be necessary thus to provide against self-inflicted injuries is surely commentary enough on the condition of life in the ranks. The allusion to tampering with the eyes may be illustrated from a passage in the "Life of Sir C. Napier," wherein we are told how in the year 1808 a private of the 28th Regiment taught his fellow-soldiers to produce artificial ophthalmia by holding their eyelids open, whilst a comrade in arms would scrape some lime from the barrack ceiling into their eyes.[1] For a profession of which such things are common incidents, surely the wonder is, not that it should be difficult, but that it should be possible at all, to make recruits. In the days of Mehemet Ali in Egypt, so numerous were the cases in which the natives voluntarily blinded themselves, and even their children, of one eye in order to escape the conscription, that Mehemet Ali is said to have

[1] 82.

found himself under the necessity of raising a one-eyed regiment. Others for the same purpose would chop off the trigger finger of the right hand, or disable themselves from biting cartridges by knocking out some of their upper teeth. Scarcely a peasant in the fields but bore the trace of some such voluntarily inflicted disfigurement. But with such facts it seems idle to talk of any inherent love for fighting dominating the vast majority of mankind.

The severity of military discipline has even a worse effect than those yet alluded to in its tendency to demoralize those who are long subject to it, by inducing mental habits of servility and baseness. After Alexander the Great had killed Clitus in a fit of drunken rage, the Macedonian soldiery voted that Clitus had been justly slain, and prayed that he might not enjoy the rites of sepulture.[1] Military servility could scarcely go further than that, but such baseness is only possible under a state of discipline which, to make a soldier, unmakes a man, by depriving him of all that distinguishes his species. Under no other than military training, and in no other than the military class would the atrocities have been possible which used to be perpetrated in the barrack riding-school in the old flogging days. Officers and privates needed the debasing influence of discipline to enable them to look on as patient spectators at the sufferings of a helpless comrade tortured by the cat-o'-nine tails. Sir C. Napier said that as a subaltern he "frequently saw 600, 700, 800, 900 and 1,000 lashes sentenced by regimental courts-martial and generally every lash

[1] Quintus Curtius, viii. 2.

inflicted ; " a feeling of horror would run through the ranks at the first blows and some recruits would faint, but that was all.[1] Had they been men and not soldiers, they would not have stood such iniquities. A typical instance of this martial justice or law (to employ the conventional profanation of those words) was that of a sergeant who in 1792 was sentenced to 1,000 lashes for having enlisted two drummers for the East India Company whom he knew to belong already to the Foot Guards ; but the classical description of an English flogging will always be Somerville's account of its infliction upon himself in his " Autobiography of a Working Man." [2] There you may read how the regiment was drawn up four-deep inside the riding school ; how the officers (men of gentle birth and breeding) stood within the lines of the men ; how the basin of water and towels were ready prepared in case the victim should faint ; how the hands and feet of the latter were fastened to a ladder by a rope ; and how the regimental sergeant-major stood with book and pencil coolly counting each stroke as it was delivered with slow and deliberate torture till the full complement of a hundred lashes had been inflicted. The mere reading of it even now is enough to make the blood boil, but that men, brave and freeborn, should have stood by in their hundreds, and seen the actual reality without stirring, proves how utterly all human feeling is eradicable by discipline, and how sure is the training it supplies in disregard for the common claims of humanity.

Happily, floggings in the English army now count

[1] *Military Law*, 163. [2] 286, 290.

among the curiosities of military discipline, like the wooden horse or the thumb-screw; but the striking thing is that the discipline, in the sense of the good conduct of the army in the field, was never worse than in the days when 1,000 lashes were common sentences. It was precisely when courts-martial had the legal power to exercise such tyranny that the Duke of Wellington complained to Lord Castlereagh that the law was not strong enough to maintain discipline in an army upon actual service.[1] Speaking of the army in the Peninsula he says: "It is impossible to describe to you the irregularities and outrages committed by the troops; . . . there is not an outrage of any description which has not been committed on a people who have received us as friends by soldiers who never yet for one moment suffered the slightest want or the smallest privation. . . We are an excellent army on parade, an excellent one to fight, but we are worse than an enemy in a country." And again a few months later: "I really believe that more plunder and outrage have been committed by this army than by any other that was ever in the field." In the general order of May 19, 1800, are these words: "The officers of companies must attend to the men in their quarters as well as on the march, or the army will soon be no better than a banditti."[2]

Whence it is fair to infer that severity of discipline has no necessary connection with the good behavior or easy control of troops in the field, such discipline under the Iron Duke himself having been conspicuous

[1] *Dispatches*, iii. 302, June 17, 1809.

[2] Compare also *Dispatches*, iv. 457; v. 583, 704, 5.

for so lamentable a failure. The real fact would seem to be, that troops are difficult to manage just in proportion to the rigor, the monotony, and the dullness of the discipline imposed upon them in time of peace; the rebound corresponding to the compression, by a moral law that seems to follow the physical one. This fact is nowhere better noticed than in Lord Wolseley's narrative of the China war of 1860, where he says, in allusion to the general love of pillage and destruction that characterizes soldiers and was so conspicuously displayed at the shameful burning of the beautiful palaces in and round Pekin: "Soldiers are nothing more than grown-up school-boys. The wild moments of enjoyment passed in the pillage of a place live long in a soldier's memory. . . . Such a time forms so marked a contrast with the ordinary routine of existence passed under the tight hand of discipline that it becomes a remarkable event in life and is remembered accordingly."[1]

The experience of the Peninsular war proves how slender is the link between a well-drilled and a well-disciplined army. The best disciplined army is the one which conducts itself with least excess in the field and is least demoralized by victory. It is the hour of victory that is the great test of the value of military regulations; and so well aware of this was the best disciplined State of antiquity, that the soldiers of Sparta desisted from pursuit as soon as victory was assured to them, partly because it was deemed ungenerous to destroy those who could make no further resistance (a sentiment absolutely wanting from the

[1] *China War*, 225.

boasted chivalry of Christian warfare), and partly that the enemy might be tempted to prefer flight to resistance. It is a reproach to modern generalship that it has been powerless to restrain such excesses as those which have made the successful storming of cities rather a disgrace than an honor to those who have won them. The only way to check them is to make the officers responsible for what occurs, as might be done, for instance, by punishing a general capitally for storming a city with forces so badly disciplined as to nullify the advantages of success. An English military writer, speaking of the storming of Ismail and Praga by the Russians under Suwarrow, says truly that "posterity will hold the fame and honor of the commander responsible for the life of every human being sacrificed by disciplined armies beyond the fair verge of battle;" but it is idle to speak as if only Russian armies were guilty of such excesses, or to say that nothing but the prospect of them could tempt the Russian soldier to mount the breach or the scaling-ladder. The Russian soldier in history yields not one whit to the English or French in bravery, nor is there a grain of difference between the Russian storming of Ismail and Praga and the English storming of Ciudad Rodrigo, Badajoz, or San Sebastian, that tarnished the luster of the British arms in the famous Peninsular war.

And should we be tempted to think that successes like these associated with the names of these places may be so important in war as to outweigh all other considerations, we must also not forget that the permanent military character of nations, for humanity or

the reverse, counts for more in the long run of a people's history than any advantage that can possibly be gained in a single campaign.

Enough has, perhaps, been said of the unpopularity of military service, and of the obvious causes thereof, to make it credible that, had the system of conscription never been resorted to in Europe, and the principle of voluntary enlistment remained intact and universal, the difficulty of procuring the human fighting material in sufficient quantities would in course of time have rendered warfare impossible. As other industries than mere fighting have won their way in the world, the difficulty of hiring recruits to sell their lives to their country has kept even pace with the facility of obtaining livelihoods in more regular and more lucrative as well as less miserable avocations. In the fourteenth century soldiers were very highly paid compared with other classes, and the humblest private received a daily wage equivalent to that of a skilled mechanic;[1] but the historical process has so far reversed matters that now the pay of the humblest mechanic would compare favorably with that of all the fighting grades lower than the commissioned and warrant ranks. Consequently, every attempt to make the service popular has as yet been futile, no amelioration of it enabling it to compete with pacific occupations. The private's pay was raised from sixpence to a shilling during the wars of the French Revolution;[2] and before that it was found necessary, about the time of the war with the American colonies, to

[1] Scott's *British Army*, ii. 411.

[2] *Wellington's Dispatches*, v. 705.

bribe men to enlist by the system (since abolished) of giving bounties at the time of enlistment. Previous to the introduction of the bounty system, a guinea to provide the recruit with necessaries and a crown wherewith to drink the king's health was all that was given upon enlistment, the service itself (with the chances of loot and the allied pleasures) having been bounty enough.[1] Even the system of bounties proved attractive only to boys; for as the English statesman said, whose name is honorably associated with the first change in our system from enlistment for life to enlistment for a limited period, "men grown up with all the grossness and ignorance and consequent want of consideration incident to the lower classes" were too wary to accept the offers of the recruiting department.[2]

The shortening of the term of service in 1806 and subsequently the increase of pay, the mitigation of punishments, must all be understood as attempts to render the military life more attractive and more capable of competing with other trades: but that they have all signally failed is proved by the chronic and ever-increasing difficulty of decoying recruits. The little pamphlet published by authority and distributed gratis at every post-office in the kingdom, showing forth "the Advantages of the Army" in their rosiest colors, can not counteract the influence of the oral evidence of men, who, after a short period of service, are dispersed to all corners of the country, with their tales of military misery to tell, confirming and propagating that popular theory of a soldier's life which

[1] See Windham's Speech in the House of Commons. April 3, 1806.
[2] *Ibid.*

sees in it a sort of earthly purgatory for faults of character acquired in youth, a calling only to be adopted by those whose antecedents render industry distasteful to them, and unfit them for more useful pursuits.

The same difficulty of recruiting was felt in France and Germany in the last century, when voluntary enlistment was still the rule. In that curious old military book, Fleming's "Volkommene Teutsche Soldat," is a picture of the recruiting officer followed by trumpeters and drummers, parading the streets, and shaking a hat full of silver coins near a table spread with the additional temptations of wine and beer.[1] But it soon became necessary to supplement this system by coercive methods; and when the habitual neglect of the wounded and the great number of needless wars made it difficult or impossible to fill up the ranks with fresh recruits, the German authorities resorted to a regular system of kidnapping, taking men as they could get them from their plows, their churches, or even from their very beds.

In France, too, Louis XIV. had to resort to force for filling his ranks in the war of the Spanish Succession; although the system of recruiting remained nominally voluntary till very much later. The total cost of a French recruit amounted to ninety-two livres; but the length of his service, though it was changed from time to time from periods varying from three to eight years, never exceeded the latter limit, nor came to be for life as it did practically in England.

[1] P. 122.

The experience of other countries proves, therefore, that England will sooner or later adopt the principle of conscription or cease to waste blood and money in Continental quarrels. The conscription will be for her the only possible way of obtaining an army at all, or one at all commensurate with those of her possible European rivals. We should not forget that in 1878, when we were on the verge of a war with Russia (and we live always on the verge of a war with Russia), our best military experts met and agreed that only by means of compulsory service could we hope to cope with our enemy with any chance of success. And the conscription, whether under a free government or not, means a tyranny compared to which the tyrannies of the Tudors or Stuarts were as a yoke of silk to a yoke of iron. It would matter little that it should lead to or involve a political despotism, for the greater despotism would ever be the military one, crushing out all individuality, moral liberty and independence, and consigning to the soul-destroying routine of petty military details all the talent, taste, knowledge and wealth of our country, which have hitherto given it a distinctive character in history, and a foremost place among the nations of the earth.

In the year 1702 a woman served as a captain in the French army with such signal bravery that she was rewarded with the order of St. Louis. Nor was this the only result; for the episode roused a serious debate in the world, whether or not military service might be expected of, or exacted from, the female sex generally.[1] Why, then, should the conscription be

[1] Fleming, 109.

confined to one-half only of a population, in the face of so many historical instances of women who have shown pre-eminent, or at least average, military capacity? And if military service is so ennobling and excellent a thing, as it is said to be, for the male population of a country, why not also for the female? Or, as we may be sure that it would be to the last degree debasing for the latter half of the community, may we not suspect that the reasoning is altogether sophistical which claims other effects as the consequence of its operation on the stronger sex?

What those effects are likely to be on the further development of European civilization, we are as yet scarcely in a position to judge. We are still living only on the threshold of the change, and can hardly estimate the ultimate effect on human life of the transference to the whole male population of a country of the habits and vices previously confined to only a section of it. But this at least is certain, that at present every prediction which ushered in the change is being falsified from year to year. This universal service which we call the conscription was, we were told, to usher in a sort of millennium; it was to have the effect of humanizing warfare; of raising the moral tone of armies; and of securing peace, by making the prospect of its alternative too appalling to mankind. Not only has it done none of these things, but there are even indications of consequences the very reverse. The amenities that cast occasional gleams over the professional hostilities of the eighteenth century, as when, for instance, Crillon besieging Gibraltar sent a cart-load of carrots to the English

governor, whose men were dying of scurvy, have passed altogether out of the pale of possibility, and given place to a hatred between the combatant forces that is tempered by no courtesy nor restrained by the shadow of humanity. Whole nations, instead of a particular class, have been familiarized with deeds of robbery and bloodshed, and parted with a large part of their leisure once available for progress in industry. War itself is at any given moment infinitely more probable than it used to be, from the constant expectation of it which comes of constant preparation; nothing having been proved falser by history than the popular paradox which has descended to us from Vegetius that the preparation for war is the high road to peace.[1] When, one may ask, has the world not been prepared for war, and how then has it had so much of it? And as to the higher moral tone likely to spring from universal militarism, of what kind may we expect it to be, when we read in a work by the greatest living English general, destined, Carlyle hoped, one day to make short work of Parliament, such an exposition as the following of the relation between the moral duties of a soldier and those of a civilian: "He (the soldier) must be taught to believe that his duties are the noblest which fall to a man's lot. He must be taught to despise all those of civil life. Soldiers, like missionaries, must be fanatics."[2]

Erasmus once observed in a letter to a friend how little it mattered to most men to what nationality they belonged, seeing that it was only a question of paying

[1] Preface to b. iii. "Ergo qui desiderat pacem, præparet bellum."

[2] Lord Wolseley's *Soldier's Pocket Book*, 5.

taxes to Thomas instead of to John, or to John instead of to Thomas; but it becomes a matter of even less importance when it is only a question of being trained for murder and bloodshed in the drill-yards of this or that government. What is it to a conscript whether it is for France or Germany that he is forced to undergo drill and discipline, when the insipidity of the drill and the tyranny of the discipline is the same in either case? If the old definition of a man as a reasoning animal is to be exchanged for that of a fighting animal, and the claims of a country upon a man are to be solely or mainly in respect of his fighting utility, it is evident that the relation is altered between the individual and his country, and that there is no longer any tie of affection between them, nor any thing to make one nationality different from or preferable to another. This is clearly the tendency of the conscription; and it is already remarkable how it has lessened those earlier and narrower views of patriotism which were the pretext formerly for so many trials of strength between nations. What, then, are the probable ultimate effects of this innovation on the development and maintenance of the peace in Europe?

The conscription, by reducing the idea of a country to that merely of a military despotism, has naturally caused the differences between nations to sink into a secondary place, and to be superseded by those differences of class, opinions, and interests which are altogether independent of nationality, and regardless of the barriers of language or geography. Thus the artisan of one country has learned to regard his fellow-

worker of another country as in a much truer sense his countryman than the priest or noble who, because he lives in the same geographical area as himself, pays his taxes to the same central government; and the different political schools in the several countries of Europe have far more in common with one another than with the opposite party of their own nationality. So that the first effect of that great military engine, the conscription, has been to unloosen the bonds of the idea of nationality which has so long usurped the title to patriotism; to free us from that notion of our duty toward our neighbor which bids us hate him because he is our neighbor; and to diminish to that extent the chances of war by the undermining of the prejudice which has ever been its mainstay.

But the conscription in laying one specter has raised another; for over against Nationalism, the jealousy of nations, it has reared Socialism, the jealousy of classes. It has done so, not only by weakening the old national idea which kept the rivalry of classes in abeyance, but by the pauperism, misery and discontent which are necessarily involved in the addition it causes to military expenditure. The increase caused by it is so enormous as to be almost incredible. In France the annual military expenditure is now about twenty-five million pounds, whereas in 1869, before the new law of universal liability to service, the total annual cost of the army was little over fifteen millions, or the average annual cost of the present army of Great Britain. "Nothing," said Froissart, "drains a treasury like men-at-arms;" and it is probably below the truth to say that a

country is the poorer by a pound for every shilling it expends upon its army. Thus by the nature of things is Socialism seen to flow from the conscription; and we have only to look at the recent history of Europe to see how the former has grown and spread in exact ratio to the extension of the latter. That it does not yet prevail so widely in England as in France or Germany or Russia, is because as yet we have not that compulsory military service for which our military advisers are beginning to clamor.

The growth of Socialism in its turn is not without an effect that may prove highly beneficial as a solvent of the militarism which is the uncompensated evil of modern times. For it tends to compel the governments of our different nationalities to draw closer together, and adopting some of the cosmopolitanism of their common foe, to enter into league and union against those enemies to actual institutions for whom militarism itself is primarily responsible, owing to the example so long set by it in methods of lawlessness, to the sanction so long given by it to crime. With Socialistic theories permeating every country, but more especially those that groan under the conscription, international jealousies are smothered and kept down, and must, if the cause continues, ultimately die out. Hence the curious result, but a result fraught with hopefulness for the future, that the peace of the world should owe itself now, in an indirect but clearly traceable manner, to the military system which of all others that was ever invented is the best calculated to prevent and endanger it. But since this is merely to say that the danger of foreign war is lessened by

the imminent fear of civil war, little is gained by the exchange of one peril for another. Socialism can only be averted by removing the cause which gives birth to it—namely, that unproductive expenditure on military forces which intensifies and perpetuates pauperism. So that the problem of the times for us in England is not how we may obtain a more liberal military expenditure, still less how we may compass compulsory service ; but rather how most speedily we can disband our army—an ever-growing danger to our peace and liberty—and how we can advance elsewhere the cause of universal disarmament.

CHAPTER IX.

THE LIMITS OF MILITARY DUTY.

"*I confess when I went into arms at the beginning of this war, I never troubled myself to examine sides; I was glad to hear the drums beat for soldiers, as if I had been a mere Swiss, that had not cared which side went up or down, so I had my pay.*"—MEMOIRS OF A CAVALIER.

The old feeling of the moral stain of bloodshed—Military purificatory customs—Modern change of feeling about warfare—Descartes on the profession of arms—The old-world sentiment in favor of piracy—The central question of military ethics—May a soldier be indifferent to the cause of a war?—The right to serve made conditional on a good cause, by St. Augustine, Bullinger, Grotius, and Sir James Turner—Old Greek feeling about mercenary service—Origin of our mercenary as opposed to gratuitous service—Armies raised by military contractors—The value of the distinction between foreign and native mercenaries—Original limitation of military duty to the actual defense of the realm—Extension of the notion of allegiance—The connection of the military oath with the first Mutiny Act—Recognized limits to the claim on a soldier's obedience—The falsity of the common doctrine of duty illustrated by the devastation of the Palatinate by the French and by the bombardment of Copenhagen by the English—The example of Admiral Keppel—Justice between nations—Its observation in ancient India and Rome—St. Augustine and Bayard on justice in war—Grotius on good grounds of war—The military claim to exemption from moral responsibility—The soldier's first duty to his conscience—The admission of this principle involves the end of war.

IT must needs be that new questions arise, or old perplexities in a fresh form; and of these one that has risen again in our time is this: Does any moral stain attach to bloodshed committed upon the battle-field?

Or is the difference between military and ordinary homicide a real one, and does the plea of duty sanction any act, however atrocious in the abstract, provided it be committed under the uniform of the State?

The general opinion is, of course, that no soldier in his military capacity can be guilty of a crime; but opinion has not always been so fixed, and it is worth noticing that in the forms of civilization that preceded our own, and in some existing modern races of lower type than our own, traces clearly appear of a sense of wrong attaching to any form of bloodshed whatever, whether of fair battle or of base treachery, calling alike for the purifying influences of expiation and cleansing. In South Africa, for instance, the Basuto returning from war proceeds with all his arms to the nearest stream, to purify not only his own person but his javelins and his battle-ax. The Zulu, too, practices ablutions on the same occasion; and the Bechuana warrior wears a rude kind of necklace, to remind him of the expiation due from him to the slain, and to disperse the dreams that might otherwise trouble him, and perhaps even drive him to die of remorse.[1]

The same feelings may be detected in the old world. The Macedonians had a peculiar form of sacrificatory purification, which consisted in cutting a dog in half and leading the whole army, arrayed in full armor, between the two parts.[2] As the Bœotians had the same custom, it was probably for the same reason. At Rome, for the same purpose, a sheep, and a bull, and a pig or boar, were every year led three times round the

[1] Arbousset's *Exploratory Tour*, 397–9. [2] Livy, xl. 6.

army and then sacrificed to Mars. In Jewish history the prohibition to King David to build the temple was expressly connected with the blood he had shed in battle. In old Greek mythology Theseus held himself unfit, without expiation, to be admitted to the mysteries of Ceres, though the blood that stained his hands was only that of thieves and robbers. And in the same spirit Hector refused to make a libation to the gods before he had purified his hands after battle. "With unwashen hands," he said, "to pour out sparkling wine to Zeus I dare not, nor is it ever the custom for one soiled with the blood and dust of battle to offer prayers to the god whose seat is in the clouds." [1]

For the cause of this feeling we may perhaps choose between an almost instinctive reluctance to take human life, and some such superstition as explains the necessity for purification among the Basutos,—the idea, namely, of escaping the revenge of the slain by the medium of water.[2] The latter explanation would be in keeping with the not uncommon notion in savage life of the inability of a spirit to cross running water, and would help to account for the necessity there was for a Hebrew to flee, or for a Greek to make some expiation, even though only guilty of an act of unintentional homicide. And in this way it is possible that the sanctity of human life, which is one of the chief marks, and should be one of the chief objects, of civilization, originated in the very same fear of a post-mortem vengeance, which leads some savage

[1] *Iliad*, vi. 266–8 ; and comp. *Æneid*, ii. 717–20.

[2] Casalis's *Basutos*, 258.

tribes to entreat pardon of the bear or elephant they have slain after a successful chase.

But, account as we like for the origin of the feeling, its undoubted existence is the point of interest, for it is easy to see that under slightly more favorable conditions of history it might have ripened into a state of thought which would have held the soldier and the manslayer in equal abhorrence. Christianity in its primitive form certainly aimed at and very nearly effected the transition. In the Greek Church a Christian soldier was debarred from the Eucharist for three years if he had slain an enemy in battle; and the Christian Church of the first three centuries would have echoed the sentiment expressed by St. Cyprian in his letter to Donatus: "Homicide when committed by an individual is a crime, but a virtue when committed in a public war; yet in the latter case it derives its impunity, not from its abstract harmlessness, but solely from the scale of its enormity."

The education of centuries has long since effaced the earlier scruple; but there are tens of thousands of Englishmen to whom the military profession is the last they would voluntarily adopt, and it would be rash to predict the impossibility of the revival of the older feeling, or the dimensions it may ultimately assume. The greatest poet of our time, who more than any other living man has helped to lead European opinion into new channels, may, perhaps, in the following lines have anticipated the verdict of the coming time, and divined an undercurrent of thought that is beginning to flow even now amongst us with no inconsiderable force of feeling:—

La phrase, cette altière et vile courtisane,
Dore le meurtre en grand, fourbit la pertuisane,
Protège les soudards contre le sens commun,
Persuade les niais que tous sont faits pour un,
Prouve que la tuerie est glorieuse et bonne,
Déroute la logique et l'évidence, et donne
Un sauf-conduit au crime à travers la raison.[1]

The destruction of the romance of war by the greater publicity given to its details through the medium of the press clearly tends to strengthen this feeling, by tempering popular admiration for military success with a cooling admixture of horror and disgust. Take, for instance, the following description of the storming of the Egyptian trenches at Tel-el-Kebir, by an eye-witness of it:—"In the redoubts into which our men were swarming the Egyptians, throwing away their arms, were found cowering, terror-stricken, in the corners of the works, to hide themselves from our men. Although they had made such a contemptible exhibition, from a soldierly point of view, it was impossible to help pitying the poor wretches as they huddled together; *it seemed so much like rats in a pit when the terrier has set to work.*" And some 2,500 of them were afterwards buried on the spot, most of them killed by bayonet wounds in the back.

This is an instance of the *tuerie* that Victor Hugo speaks of, which we all call glorious when we meet in the streets, reserving, some of us, another opinion for the secret chamber. Still, when it comes to comparing the work of a victory to that of a terrier in a rat-pit, it must be admitted that the realism of war threatens

[1] Victor Hugo's *L'Âne*, 124.

to become more repellent than its romance was once attractive, and to deter men more and more from the choice of a profession of which similar disgusting scenes are the common and the probable episodes.

Descartes, the father of modern philosophy and of free thought, who, from a youthful love for arms and camp-life, which he attributed to a certain heat of liver, began life in the army, actually gave up his military career for the reasons which he thus expressed in a letter to a friend: "Although custom and example render the profession of arms the noblest of all, I, for my own part, who only regard it like a philosopher, value it at its proper worth, and, indeed, I find it very difficult to give it a place among the honorable professions, seeing that idleness and licentiousness are the two principal motives which now attract most men to it."[1]

Of course no one in modern times would come to the same conclusions as Descartes for the same reasons, the discipline of our armies being somewhat more serious than it was in the first half of the seventeenth century. Nevertheless, it is impossible to read of the German campaign in France without hoping, for the good of the world, that the inevitable association of war with the most revolting forms of crime therein displayed, may some day produce a general state of sentiment similar to that anticipated by Descartes.

It may be said that the example of Descartes proves and indicates nothing; and we may feel pretty sure that his scruples seemed extravagantly

[1] Baillat's *Vie de Descartes*, i. 41.

absurd to his contemporaries, if he suffered them to know them. Nevertheless, he might have appealed to several well-known historical facts as a reason against too hasty a condemnation of his apparent super-sensitiveness. He might have argued that the profession of a pirate once reflected no more moral discredit than that of a soldier did in his days; that the pirate's reply to Alexander, that he infested the seas by the same right wherewith the conqueror devastated the land, conveyed a moral sentiment once generally accepted, nor even then quite extinct; that in the days of Homer it was as natural to ask a seafarer whether he were a freebooter as whether he were a merchant; that so late in Greek history as the time of Thucydides, several tribes on the mainland of Greece still gloried in piracy, and accounted their plunder honorably won; and that at Rome the Cilician pirates, whom it devolved on Pompey to disperse, were joined by persons of wealth, birth and education, "as if," says Plutarch, "their employment were worthy of the ambition of men of honor."

Remembering, therefore, these things, and the fact that not so very many centuries ago public opinion was so lenient to the practice of bishops and ecclesiastics taking an active part in warfare that they commonly did so in spite of canons and councils to the contrary, it is a fair subject for speculation whether the moral opinion of the future may not come to coincide with the feeling of Descartes, and it behooves us to keep our minds alive to possibilities of change in this matter, already it would seem in process of formation. Who will venture to predict what may

be the effect of the rise of the general level of education, and of the higher moral life of our time, on the popular judgment of even fifty years hence regarding a voluntarily adopted military life?

We may, perhaps, attribute it to the extreme position taken up with regard to military service by the Quakers and Mennonites that the example of Descartes had so slight a following. That thick phalanx of our kind who fondly mistake their own mental timidity for moderation, perpetually make use of the doctrines of extremists as an excuse for tolerating or even defending what in the abstract they admit to be evil; and it was unfortunately with this moderate party that Grotius elected to throw in his lot. No one admitted more strongly the evils of war. The reason he himself gave for writing his "De Jure Pacis et Belli" was the license he saw prevailing throughout Christendom in resorting to hostilities; recourse had to arms for slight motives or for none; and when war was once begun an utter rejection of all reverence for divine or human law, just as if the unrestrained commission of every crime became thenceforth legitimate. Yet, instead of throwing the weight of his judgment into the scale of opinion which opposed the custom altogether (though he did advocate an international tribunal that should decide differences and compel obedience to its decisions), he only tried to shackle it with rules of decency that are absolutely foreign to it, with the result, after all, that he did very little to humanize wars, and nothing to make them less frequent.

Nevertheless, though Grotius admitted the abstract

lawfulness of military service, he made it conditional on a thorough conviction of the righteousness of the cause at issue. This is the great and permanent merit of his work, and it is here that we touch on the pivot or central question of military ethics. The orthodox theory is, that with the cause of war a soldier has no concern, and that since the matter in contention is always too complicated for him to judge of its merits, his only duty is to blindfold his reason and conscience, and rush whithersoever his services are commanded. Perhaps the best exposition of this simple military philosophy is that given by Shakespeare in his scene of the eve of Agincourt, where Henry V., in disguise, converses with some soldiers of the English army. "Methinks," says the king, "I could not die anywhere so contented as in the king's company, his cause being just and quarrel honorable."

William. "That's more than we know."

Bates. "Ay, or more than we should seek after, for we know enough if we know we are the king's subjects. If his cause be wrong, our obedience to the king wipes the crime of it out of us."

Yet the whisper of our own day is, Does it? For a soldier, nowadays, enjoys equally with the civilian, who by his vote contributes to prevent or promote hostilities, the greater facilities afforded by the spread of knowledge for the exercise of his judgment; and it is to subject him to undeserved ignominy to debar him from the free use of his intellect, as if he were a minor or an imbecile, incompetent to think for himself. Putting even the difficulty of decision at its worst, it can never be greater for the soldier than it is

for the voter; and if the former is incompetent to form an opinion, whence does the peasant or mechanic derive his ability? Moreover, the existence of a just and good cause has always been the condition insisted on as alone capable of sanctioning military service by writers of every shade of thought—by St. Augustine as representing the early Catholic Church, by Bullinger or Becon as representatives of the early Reformed Church, and by Grotius as representative of the modern school of publicists. Grotius contends that no citizen or subject ought to take part in an unjust war, even if he be commanded to do so. He openly maintains that disobedience to orders is in such a case a lesser evil than the guilt of homicide that would be incurred by fighting. He inclines to the opinion that, where the cause of war seems doubtful, a man would do better to refrain from service, and to leave the king to employ those whose readiness to fight might be less hampered by questions of right and wrong, and of whom there would always be a plentiful supply. Without these reservations he regards the soldier's task as so much the more detestable than the executioner's, as manslaughter without a cause is more heinous than manslaughter with one,[1] and thinks no kind of life more wicked than that of men who, without regard for the cause of war, fight for hire, and to whom the question of right is equivalent to the question of the highest wage.[2]

[1] ii. 25, 9, 1. "Tanto carnifice detestabiliores quanto pejus est sine causâ quam ex causâ occidere."

[2] *Ibid.* 2. "Nullum vitæ genus est improbius quam eorum qui sine causæ respectu mercede conducti militant, et quibus ibi fas plurima merces." Both the sentiment and the expression are borrowed from

These are strong opinions and expressions, and as their general acceptance would logically render war impossible, it is no small gain to have in their favor so great an authority as Grotius. But it is an even greater gain to be able to quote on the same side an actual soldier. Sir James Turner at the end of his military treatise called "Pallas Armata," published in 1683, came to conclusions which, though adverse to Grotius, contain some remarkable admissions and show the difference that two centuries have made on military maxims with regard to this subject. "It is no sin for a mere soldier," he says, "to serve for wages, unless his conscience tells him he fights in an unjust cause." Again, "That soldier who serves or fights for any prince or State for wages in a cause he knows to be unjust, sins damnably." He even argues that soldiers whose original service began for a just cause, and who are constrained by their military oaths to continue in service for a new and unjust cause of war, ought to "desert their employment and suffer any thing that could be done to them before they draw their swords against their own conscience and judgments in an unjust quarrel."[1]

These moral sentiments of a military man of the seventeenth century are absolutely alien to the military doctrines of the present day; and his remarks on wages recall yet another important landmark of ancient thought that has been removed by the progress of time. Early Greek opinion justly made no distinction between the mercenary who served a

Lucan's *Pharsalia*, x. 408: "Nulla fides pietasque viris qui castra sequuntur Venalesque manus; ibi fas ubi plurima merces." [1] 364.

foreign country and the mercenary who served his own. All hired military service was regarded as disgraceful, nor would any one of good birth have dreamed of serving his own country save at his own expense. The Carians rendered their names infamous as the first of the Greek race who served for pay; while at Athens Pericles introduced the custom of supporting the poorer defenders of their country out of the exchequer.[1] Afterwards, of course, no people ever committed itself more eagerly to the pursuit of mercenary warfare.

In England also gratuitous military service was originally the condition of the feudal tenure of land, nor was any one bound to serve the king for more than a certain number of days in the year, forty being generally the longest term. For all service in excess of the legal limit the king was obliged to pay; and in this way, and by the scutage tax, by which many tenants bought themselves off from their strict obligations, the principle of a paid military force was recognized from the time of the conquest. But the chief stipendiary forces appear to have been foreign mercenaries, supported, not out of the commutation tax, but out of the king's privy purse, and still more out of the loot won from their victims in war. These were those soldiers of fortune, chiefly from Flanders, Brabançons, or Routers, whose excesses as brigands led to their excommunication by the Third Lateran Council (1179), and to their destruction by a crusade three years later.[2]

[1] Potter's *Greek Antiquities*, ii. 9.

[2] Henry's *Britain*, iii. 5, 1; Grose, i. 56.

But the germs of our modern recruiting system must rather be looked for in those military contracts or indentures, by which from about the time of Edward III. it became customary to raise our forces: some powerful subject contracting with the king in consideration of a certain sum, to provide soldiers for a certain time and task. Thus in 1382 the war-loving Bishop of Norwich contracted with Richard II. to provide 2,500 men-at-arms and 2,500 archers for a year's service in France, in consideration of the whole fifteenth that had been voted by Parliament for the war.[1] In the same way several bishops indented to raise soldiers for Henry V. And thus a foreign war became a mere matter of business and hire, and armies to fight the French were raised by speculative contractors, very much as men are raised nowadays to make railways or take part in other works needful for the public at large. The engagement was purely pecuniary and commercial, and was entirely divested of any connection with conscience or patriotism. On the other hand, the most obviously just cause of war, that of national defense in case of invasion, continued to be altogether disconnected with pay, and remained so much the duty of the militia or capable male population of the country, that both Edward III. and Richard II. directed writs even to archbishops and bishops to arm and array all abbots, priors and monks, between the ages of sixteen and sixty, for the defense of the kingdom.[2]

Originally, therefore, the paid army of England, as opposed to the militia, implied the introduction of a strictly mercenary force consisting indifferently of

[1] Grose, i. 58. [2] *Ibid.* i. 67.

natives or foreigners, into our military system. But clearly there was no moral difference between the two classes of mercenaries so engaged. The hire, and not the cause, being the main consideration of both, the Englishman and the Brabançon were equally mercenaries in the ordinary acceptation of the term. The prejudice against mercenaries either goes too far or not far enough. If a Swiss or an Italian hiring himself to fight for a cause about which he was ignorant or indifferent was a mercenary soldier, so was an Englishman who with equal ignorance and indifference accepted the wages offered to him by a military contractor of his own nation. Either the conduct of the Swiss was blameless, or the Englishman's moral delinquency was the same as his.

The public opinion of former times regarded both, of course, as equally blameless, or rather as equally meritorious. And it is worth noticing that the word *mercenary* was applied alike to the hired military servant of his own as of another country. Shakespeare, for instance, applies the term mercenary to the 1,600 Frenchmen of low degree slain at Agincourt, whom Monstrelet distinguishes from the 10,000 Frenchmen of position who lost their lives on that memorable day—

> In this ten thousand they have lost,
> There are but sixteen hundred mercenaries.

And even so late as 1756, the original signification of the word had so little changed, that in the great debate in the House of Lords on the Militia Bill of that year Lord Temple and several other orators

spoke of the national standing army as an army of *mercenaries*, without making any distinction between the Englishmen and the Hessians who served in it.[1]

The moral distinction that now prevails between the paid service of natives and of foreigners is, therefore, of comparatively recent origin. It was one of the features of the Reformation in Switzerland that its leaders insisted for the first time on a moral difference between Swiss soldiers who served their own country for pay, and those who with equal bravery and credit sold their strength to the service of the highest foreign bidder.

Zwingli, and after him his disciple Bullinger, effected a change in the moral sentiment of Switzerland equivalent to that which a man would effect nowadays who should persuade men to discountenance or abandon military service of any kind for pay. One of the great obstacles to Zwingli's success was his decided protest against the right of any Swiss to sell himself to foreign governments for the commission of bloodshed, regardless of any injury in justification; and it was mainly on that account that Bullinger succeeded in 1549 in preventing a renewal of the alliance or military contract between the cantons and Henry II. of France. "When a private individual," he said, "is free to enroll himself or not, and engages himself to fight against the friends and allies of his sovereign, I know not whether he does not hire himself to commit homicide, and whether he does not act like the gladiators, who, to amuse the Roman people, let themselves to the first comer to kill one another."

[1] *Parliamentary Debates*, May 24, 1756.

But it is evident that, except with a reservation limiting a man's service to a just national cause, Bullinger's argument will also apply to the case of a hired soldier of his own country. The duty of every man to defend his country in case of invasion is intelligible enough; and it is very important to notice that originally in no country did the duty of military obedience mean more. In 1297 the High Constable and Marshal of England refused to muster the forces to serve Edward I. in Flanders, on the plea that neither they nor their ancestors were obliged to serve the king outside his dominions;[1] and Sir E. Coke's ruling in Calvin's case,[2] that Englishmen are bound to attend the king in his wars as well without as within the realm, and that their allegiance is not local but indefinite, was not accepted by writers on the constitution of the country. The existing militia oath, which strictly limits obedience to the defense of the realm, covered the whole military duty of our ancestors; and it was only the innovation of the military contract that prepared the way for our modern idea of the soldier's duty as unqualified and unlimited with regard to cause and place and time. The very word *soldier* means originally stipendiary, his pay or *solde* (from the Latin *solidum*) coming to constitute his chief characteristic. From a servant hired for a certain task for a certain time the steps were easy to a servant whose hire bound him to any task and for the whole of his life. The existing military oath, which binds a recruit and practically compels him as much

[1] Sir S. Scott's *British Army*, ii. 333.

[2] N. Bacon's Notes to *Selden's Laws*, ii. 60.

to a war of aggression as of defense at the bidding of the executive, owes its origin to the revolution of 1689, when the refusal of Dumbarton's famous Scotch regiment to serve their new master, William III., in the defense of Holland against France, rendered it advisable to pass the Mutiny Act, containing a more stringent definition of military duty by an oath couched in extremely general terms. Such has been the effect of time in confirming this newer doctrine of the contract implied by the military status, that the defense of the monarch "in person, crown and dignity against all enemies," to which the modern recruit pledges himself at his attestation, would be held to bind the soldier not to withhold his services were he called upon to exercise them in the planet Mars itself.

Hence it appears to be an indisputable fact of history that the modern military theory of Europe, which demands complete spiritual self-abandonment and unqualified obedience on the part of a soldier, is a distinct trespass outside the bounds of the original and, so to speak, constitutional idea of military duty; and that in our own country it is as much an encroachment on the rights of Englishmen as it is on the wider rights of man.

But what is the value of the theory itself, even if we take no account of the history of its growth? If military service precludes a man from discussing the justice of the end pursued in war, it can hardly be disputed that it equally precludes him from inquiries about the means, and that if he is bound to consider himself as fighting in any case for a lawful cause he has no right to bring his moral sense to bear upon the

details of the service required of him. But here occurs a loophole, a flaw, in the argument; for no subject nor soldier can be compelled to serve as a spy, however needful such service may be. That proves that a limit does exist to the claims on a soldier's obedience. And Vattel mentions as a common occurrence the refusal of troops to act when the cruelty of the deeds commanded of them exposed them to the danger of savage reprisals. "Officers," he says, "who had the highest sense of honor, though ready to shed their blood in a field of battle for their prince's service, have not thought it any part of their duty to run the hazard of an ignominious death," such as was involved in the execution of such behests. Yet why not, if their prince or general commanded them? By what principle of morality or common sense were they justified in declining a particular service as too iniquitous for them and yet holding themselves bound to the larger iniquity of an aggressive war? What right has a machine to choose or decide between good and bad any more than between just and unjust? Its moral incompetence must be thoroughgoing, or else in no case afford an extenuating plea. You must either grant it every thing or nothing, or else offer a rational explanation for your rule of distinction. For it clearly needs explaining, why, if there are orders which a soldier is not bound to obey, if there are cases where he is competent to discuss the moral nature of the services required of him, it should not also be open to him to discuss the justice of the war itself of which those services are merely incidents.

Let us turn from the abstract to the concrete,

and take two instances as a test of the principle. In 1689, Marshal Duras, commander of the French army of the Rhine, received orders to destroy the Palatinate, and make a desert between France and Germany, though neither the Elector nor his people had done the least injury to France. Did a single soldier, did a single officer quail or hesitate? Voltaire tells us that many officers felt shame in acting as the instrument of this iniquity of Louis XIV., but they acted nevertheless in accordance with their supposed honor, and with the still orthodox theory of military duty. They stopped short at no atrocity. They cut down the fruit-trees, they tore down the vines, they burned the granaries; they set fire to villages, to country-houses, to castles; they desecrated the tombs of the ancient German emperors at Spiers; they plundered the churches; they reduced well-nigh to ashes Oppenheim, Spiers, Worms, Mannheim, Heidelberg, and other flourishing cities; they reduced 400,000 human beings to homelessness and destruction—and all in the name of military duty and military honor! Yet, of a truth, those were dastardly deeds if ever dastardly deeds have been done beneath the sun; and it is the sheerest sophistry to maintain that the men who so implicitly carried out their orders would not have done more for their miserable honor, would not have had a higher conception of duty, had they followed the dictates of their reason and conscience rather than those of their military superiors, and refused to sacrifice their humanity to an overstrained theory of their military obligation, and their memory to everlasting execration.

In the case of these destroyers military duty meant simply military servility, and it was this reckless servility that led Voltaire in his "Candide" to put into the mouth of his inimitable philosopher, Martin, that definition of an army which tales like the foregoing suggested and justified: "A million of assassins, in regiments, traversing Europe from end to end, and committing murder and brigandage by rules of discipline for the sake of bread, because incompetent to exercise any more honest calling."[1]

An English case of this century may be taken as a parallel one to the French of the seventeenth, and as an additional test of the orthodox military dogma that with the cause of war a soldier has no concern. It is the Copenhagen expedition of 1807, than which no act of might within this century was more strongly reprobated by the public opinion of Europe, and by all but the Tory opinion of England. A fleet and army having been sent to the Danish capital, and the Danish Government having refused to surrender their fleet, which was demanded as the alternative of bombardment, the English military officials proceeded to bombard the city, with infinite destruction and slaughter, which were only staid at last by the surrender of the fleet as originally demanded. There was no quarrel with Denmark at the time, there was no complaint of injury; only the surrender of the fleet was demanded. English public opinion was both excited and divided about the morality of this act, which was only justified on the plea that the Government was in possession of a secret article of the Treaty of Tilsit

[1] *Candide*, c. xx.

between Napoleon and the Czar of Russia, by which the Danish fleet was to be made use of in an attack upon England. But this secret article was not divulged, according to Alison, till ten years afterwards,[1] and many disbelieved in its existence altogether, even supposing that its existence would have been a good cause for war. Many military men therefore shared in the feeling that condemned the act, yet they scrupled not to contribute their aid to it. Were they right? Read Sir C. Napier's opinion of it at the time, and then say where, in the case of a man so thinking, would have lain his duty: "This Copenhagen expedition—is it an unjust action for the general good? Who can say that such a precedent is pardonable? When once the line of justice has been passed, there is no shame left. England has been unjust. . . . Was not our high honor worth the danger we might perhaps have risked in maintaining that honor inviolate?" [2]

These opinions, whether right or wrong, were shared by many men in both services. Sir C. Napier himself says: "Were there not plenty of soldiers who thought these things wrong? . . . but would it have been possible to allow the army and navy . . . to decide upon the propriety of such attacks?" [3] The answer is, that if they did, whether allowed or not, such things would be impossible, or, at all events, less probable: which is the best reason possible for the contention that they should. Had they done so in this very instance, our historians would have been

[1] Alison's *Europe*, vi 491. [2] *Life of Sir C. Napier*, i. 77.
[3] *Military Law*, 17.

spared the explanation of an episode that is a dark blot upon our annals.

A more pleasing precedent, therefore, than that of the French officers in the Palatinate, or of the English at Copenhagen, is the case of Admiral Keppel, who, while numbers of naval officers flocked to the Admiralty to offer their services or to request employment, steadily declined to take part in the war of England against her American colonies, because he deemed her cause a bad one.[1] He did no violence to his reason or conscience nor tarnished his fame by acting a part, of which in his individual capacity he disapproved. His example is here held up as illustrating the only true doctrine, and the only one that at all accords with the most rudimentary principles of either religion or morality. The contrary doctrine bids a man to forswear the use of both his reason and his conscience in consideration for his pay, and deprives him of that liberty of thought and moral action compared with which his civil and political liberty are nothing worth. For what indeed is this contrary time-honored doctrine when stripped of all superfluities, and displayed in the outfit of common sense and common words? What is it but that the duty of military obedience overrides all duty of a man toward himself; that, though he may not voluntarily destroy his body, he can not do too much violence to his soul; that it is his duty to annihilate his moral and intellectual being, to commit spiritual suicide, to forego the use of the noblest faculties which belong to him as a man; that to do all this is a just cause of pride to him, and that

[1] *Keppel's Life*, by T. Keppel, ii. 1.

he is in all respects the nobler and better for assimilating himself to that brainless and heartless condition which is that also of his charger or his rifle?

If this doctrine is true and sound, then it may be asked whether there has ever been or exists upon the earth any tyranny, ecclesiastical or political, comparable to this military one; whether any but the baser forms of priestcraft have ever sought to deprive a man so completely of the enjoyment of his highest human attributes, or to absolve him so utterly from all moral responsibility for his actions.

This position can scarcely be disputed, save by denying the reality of any distinction between just and unjust in international conduct; and against this denial may be set not only the evidence of every age, but of every language above the stage of mere barbarism. Disregard of the difference is one of the best measures of the civilization of a people or epoch. We at once, for instance, form a higher estimate of the civilization of ancient India, when we read in Arrian that her kings were so apprehensive of committing an unjust aggression that they would not lead their armies out of India for the conquest of other nations.[1] One of the best features in the old pagan world was the importance attached to the justice of the motive for breaking the peace. The Romans appear never to have begun a war without a previous consultation with the College of Fecials as to its justice; and in the same way, and for the same purpose, the early Christian emperors consulted the opinion of the bishops. If a Roman general made an unjust attack upon a people his

[1] *Indian Expedition*, ix.

triumph was refused, or at least resisted; nor are the instances infrequent in which the senate decreed restitution where a consul, acting on his own responsibility, had deprived a population of its arms, its lands, or its liberties.[1] Hence the Romans, with all their apparent aggressiveness, won the character of a strict regard to justice, which was no small part of the secret of their power. "You boast," the Rhodians said to them, "that your wars are successful because they are just, and plume yourselves not so much on the victory which concludes them as on the fact that you never begin them without good cause."[2] Conquest corrupted the Romans in these respects as it has done many another people; but even to the end of the Republic the tradition of justice survived; nor is there anything finer in the history of that people than the attempt of the party headed by Ateius the tribune to prevent Crassus leaving Rome when he was setting out to make war upon the Parthians, who not only had committed no injury, but were the allies of the Republic; or than the vote of Cato, that Cæsar, who, in time of peace, had slain or routed 300,000 Germans, should be given up to the people he had injured in atonement for the wrong he had done to them.

The idea of the importance of a just cause of war may be traced, of course, in history, after the extinction of the grand pagan philosophy in which it had its origin. It was insisted on even by Christian writers

[1] Livy, 39, 3; 42, 21; 43, 5.

[2] Livy, xlv. 22. "Certe quidem vos estis Romani, qui ideo felicia bella vestra esse, quia justa sint, præ vobis fertis, nec tam exitu eorum, quod vincatis, quam principiis quod non sine causâ suscipiatis, gloriamini."

who, like St. Augustine, did not regard all military service as wicked. What, he asked, were kingdoms but robberies on a vast scale, if their justice were put out of the reckoning.[1] A French writer of the time of Charles V. concluded that while soldiers who fell in a just cause were saved, those who died for an unjust cause perished in a state of mortal sin.[2] Even the Chevalier Bayard, who accompanied Charles VIII. without any scruple in his conquest of Naples, was fond of saying that all empires, kingdoms and provinces were, if without the principle of justice, no better than forests full of brigands;[3] and the fine saying is attributed to him, that the strength of arms should only be employed for the establishment of right and equity. But on the whole the justice of the cause of war became of less and less importance as time went on; nor have our modern Christian societies ever derived benefit in that respect from the instruction or guidance of their churches at all equal to that which the society of pagan Rome derived from the institution of its Fecials, as the guardians of the national conscience.

It was among the humane endeavors of Grotius to try to remedy this defect in modern States by establishing certain general principles by which it might be possible to test the pretext of any given war from the side of its justice. At first sight it appears obvious that a definite injury is the only

[1] *De Civitate Dei*, iv. 4 and 6.

[2] *Arbre des Batailles*, quoted in Kennedy's *Influence of Christianity on International Law.*

[3] Petitot, xvi. 137.

justification for a resort to hostilities, or, in other words, that only a defensive war is just; but then the question arises how far defense may be anticipatory, and an injury feared or probable give the same rights as one actually sustained. The majority of wars, that have not been merely wars of conquest and robbery, may be traced to that principle in history, so well expressed by Livy, that men's anxiety not to be afraid of others causes them to become objects of dread themselves.[1] For this reason Grotius refused to admit as a good *casus belli* the fact that another nation was making warlike preparations, building garrisons and fortresses, or that its power might, if unchecked, grow to be dangerous. He also rejected the pretext of mere utility as a good ground for war, or such pleas as the need of better territory, the right of first discovery, or the improvement or punishment of barbarous nations.

A strict adherence to these principles, vague as they are, would have prevented most of the bloodshed that has occurred in Europe since Grotius wrote. The difficulty, however, is, that, as between nations, the principle of utility easily overshadows that of justice; and although the two are related as the temporary to the permanent expediency, and therefore as the lesser to the greater expediency, the relation between them is seldom obvious at the time of choice, and it is easy beforehand to demonstrate the expediency of a war of which time alone can

[1] III. 65. "Cavendo ne metuant, homines metuendos ultro se efficiunt, et injuriam ab nobis repulsam, tamquam aut facere aut pati necesse sit, injungimus aliis."

show both the inexpediency and the injustice. Any war, therefore, however unjust it may seem, when judged by the canons of Grotius, is easily construed as just when measured by the light of an imperious and magnified passing interest; and the absence of any recognized definition or standard of just dealing between nations affords a salve to many a conscience that in the matters of private life would be sensitive and scrupulous enough. The story of King Agesilaus is a mirror in which very few ages or countries may not see their own history reflected. When Phœbidas, the Spartan general, seized the Cadmeia of Thebes in the time of peace, the greater part of Greece and many Spartans condemned it as a most iniquitous act of war; but Agesilaus, who at other times was wont to talk of justice as the greatest of all the virtues, and of valor without it as of little worth, defended his officer's action, on the plea that it was necessary to regard the tendency of the action, and to account it even as glorious if it resulted in an advantage to Sparta.

But when every allowance is made for wars of which the justice is not clearly defined from the expediency, many wars have occurred of so palpably unjust a character, that they could not have been possible but for the existence of the loosest sentiments with regard to the responsibility of those who took part in them. We read of wars or the pretexts of wars in history of which we all, whether military men or civilians, readily recognize the injustice; and by applying the same principles of judgment to the wars of our own country and time we are each and

all of us furnished for the direction of our conscience with a standard which, if not absolutely scientific or consistent, is sufficient for all the practical purposes of life, and is completely subversive of the excuse which is afforded by occasional instances of difficult and doubtful decision. The same facilities which exist for the civilian when he votes for or against taxation for a given war, or in approval or disapproval of the government which undertakes it, exist also for the soldier who lends his active aid to it; nor is it unreasonable to claim for the action of the one the same responsibility to his own conscience which by general admission attaches to the other.

It is surely something like a degradation to the soldier that he should not enjoy in this respect the same rights as the civilian; that his merit alone should be tested by no higher a theory of duty than that which is applied to the merit of a horse; and that his capacity for blind and unreasoning obedience should be accounted his highest attainable virtue. The transition from the idea of military vassalage to that of military allegiance has surely produced a strange conception of honor, and one fitter for conscripts than for free men, when a man is held as by a vice to take part in a course of action which he believes to be wrong. Not only does no other profession enforce such an obligation, but in every other walk of life a man's assertion of his own personal responsibility is a source rather of credit to him than of infamy. That in the performance of any social function a man should be called upon to make an unconditional surrender of his free will, and yield an

obedience as thoughtless as a dummy's to superior orders, would seem to be a principle of conduct pilfered from the Society of Jesus, and utterly unworthy of the nobility of a soldier. As a matter of history, the priestly organization took the military one for its model: which should lead us to suspect that the tyranny we find fault with in the copy is equally present in the original, and that the latter is marked by the same vices that it transmitted to the borrowed organization.

The principle here contended for, that the soldier should be fully satisfied in his own mind of the justice of the cause he fights for, is the condition that Christian writers, from Augustine to Grotius, have placed on the lawfulness of military service. The objection to it, that its adoption would mean the ruin of military discipline, will appear the greatest argument of all in its favor when we reflect that its universal adoption would make war itself, which is the only reason for discipline, altogether impossible. Where would have been the wars of the last two hundred years had it been in force? Or where the English wars of the last six, with their thousands of lives and their millions of money spent for no visible good nor glory in fighting with Afghans, Zulus, Egyptians, and Arabs? Once restrict legitimate warfare to the limits of national defense, and it is evident that the refusal of men to take part in a war of aggression would equally put an end to the necessity of defensive exertion. If no government could rely on its subjects for the purposes of aggression and injustice, it goes without saying that the just cause

of war would perish simultaneously. It is therefore altogether to be wished that that reliance should be weakened and destroyed.

The reasoning, then, which contains the key that is alone capable of closing permanently the portals of Janus is this : that there exists a distinction between a just and an unjust war, between a good and a bad cause, and that no man has a right either to take part knowingly and willfully in a cause he believes to be unjust, nor to commit himself servilely to a theory of duty which deprives him, at the very outset, of his inalienable human birthright of free thought and free will. This is the principle of personal responsibility which has long since won admission everywhere save in the service of Mars, and which requires but to be extended there to free the world from the custom that has longest and most ruinously afflicted it. For it attacks that custom where it has never yet been seriously attacked before, at its real source—namely, in the heart, the brain, and the conscience, that in spite of all warping and training, still belong to the individual units who alone make it possible. It behooves all of us, therefore, who are interested in abolishing military barbarism, not merely to yield a passive assent to it ourselves, but to claim for it assent and assertion from others. We must ask and re-ask the question : What is the title by which a man, through the mere fact of his military cloth, claims exemption from the moral law that is universally binding upon his fellows?

For this principle of individual military responsi-

bility is of such power, that if carried to its consequences, it must ultimately prove fatal to militarism; and if it has not yet the prescription of time and common opinion in its favor, it is sealed nevertheless with the authority of many of the best intellects that have helped to enlighten the past, and is indissolubly contained in the teaching alike of our religious as of our moral code. It can, in fact, only be gainsaid by a denial of the fundamental maxims of those two guides of our conduct, and for that reason stands absolutely proof against the assaults of argument. Try to reconcile with the ordinary conceptions of the duties of a man or a Christian the duty of doing what his conscience condemns, and it may be safely predicted that you will try in vain. The considerations that may occur of utility and expediency beat in vain against the far greater expediency of a world at peace, freed from the curse of the warrior's destructiveness; nor can the whole armory of military logic supply a single counter-argument which does not resolve itself into an argument of supposed expediency, and which may not therefore be effectually parried, even on this narrower debating ground, by the consideration of the overwhelming advantages which could not but flow from the universal acceptance of the contrary and higher principle—the principle that for a soldier, as for any one else, his first duty is to his conscience.

Or, to put the conclusion in the fewest words: The soldier claims to be a non-moral agent. That is the corner-stone of the whole military system.

Challenge then the claimant to justify his first principle, and the custom of war will shake to its foundation, and in time go the way that other evil customs have gone before it, when once their moral support has been undermined or shattered.

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